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OF

The Colonial Society of Massachusetts

COLLECTIONS

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PUBLICATIONS

OF

The Colonial Society of Massachusetts

VOLUME II

COLLECTIONS

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MASSACHUSETTS
ROYAL COMMISSIONS
1681–1774

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PREFACE

VOLUME II, now completed, contains the extant Royal Commissions issued to certain of the Crown officials of the Massachusetts Bay from 1681 to 1774, both included.

At the meeting of this Society held in March, 1893, our associate Mr. ABNER CHENEY GOODELL generously presented to the Society copies of the Royal Commissions and of the Royal Instructions issued to certain of the Crown officials of the Massachusetts Bay, 1681–1774.[1] At that time it was supposed that the Commissions and the Instructions together would fill a volume of about five hundred pages, and printing at once began. But as this progressed, an occasional new Commission and many new Instructions were found, and soon it was obvious that the material would far outrun the limits of a single volume. In addition, the resources of the Society were adequate only to the task of paying for its Transactions. When, therefore, the Table of Regnal Years, the Charter, the Explanatory Charter, the Commissions of the Governors as Governor, and the Instructions from 1686 to 1702, had been set, printing was brought to a stop for lack of funds. In 1910, however, one of our resident members, ever alive to the needs of the Society, offered to provide for the expense of issuing the Commissions, which (as it was now clear) would fill an entire volume of our Collections. Printing was resumed as soon as possible,

[1] Later Mr. Goodell gave copies of the Commissions of Vice-Admiral.

and the present volume is the result. In 1912 the same member placed the Society under additional obligations by offering to pay for the printing of the Royal Instructions, and work on these has been resumed.

The Committee gratefully acknowledges the Society's indebtedness for many courtesies extended to the Editor by the officials of the Public Record Office, London; by Miss Lucy Drucker of London; by Mr. James Joseph Tracy, Chief of the Archives Division of the Commonwealth of Massachusetts, and the clerks under him; and by the officials of many libraries, historical societies and institutions, and by individuals, in this country.

Of the fifty-eight Commissions that are known to have been issued — one to the Collector, Surveyor, and Searcher of Customs in the Colonies of New England; two to the President of the Council for New England; four to the Governor, one to the Lieutenant-Governor, and two to the Secretary and Register of the Territory and Dominion of New England; twenty-seven to the Governors, twelve to the Lieutenant-Governors, and seven to the Secretaries of the Province of the Massachusetts Bay; and two to the Bishop of London — fifty-three are printed in this volume. The five Commissions of which no copies have been found, though diligent search has been made for them in London, Boston, and elsewhere, are the following, with their actual or approximate dates:

1691 [1]	Isaac Addington	Secretary
1691 [2]	William Stoughton	Lieutenant-Governor

[1] In an Instruction issued to Addington on December 11 it is stated that "His Majesty" has "been Graciously pleased, by his Letters Patents under the Great Seal of England, to Grant unto you the Office and Place of Secretary of their Majesties Province of the Massachusetts Bay in New England" (Public Record Office, Colonial Office, Class 5, Vol. 905, p. 404). Hence Addington's Commission must have been issued on or before December 11, 1691.

[2] Stoughton's Commission was presumably issued in December, 1691.

1711 [1]	William Tailer	Lieutenant-Governor
1715 April 28 [2]	William Tailer	Lieutenant-Governor
1716 [3]	William Dummer	Lieutenant-Governor

The present volume actually contains fifty-four Commissions, but the Commission of Lord Willoughby as Vice-Admiral of Barbados is inserted merely because Dudley's Commission of November 13, 1685, was not recorded in full. Of the fifty-three Commissions relating to Massachusetts, twenty-eight are printed from copies obtained in London, there being no copies at the State House; nine are printed from copies at the State House, there being no copies in London; fifteen are printed from copies obtained in London collated with copies also at the State House; and one [4] is printed from a copy obtained in London collated with an exemplification in the library of the Massachusetts Historical Society. It thus appears that of the fifty-three Commissions, copies of twenty-four only are now to be found at the State House. Two of these — that of Randolph (1685) and that of Andros (1686) — are in the volume labelled Massachusetts Archives, CXXVI. 95–96, 7–16. The remaining twenty-two are in one or the other of two volumes respectively labelled "Crown Commissions, 1628–1663" and "Crown Commissions, 1677–1774." [5] Yet neither of these

[1] This Commission of Tailer was presumably issued in the spring or summer of 1711, as he was sworn on October 4th (Council Records, v. 456).

[2] The exact date of this Commission has been obtained from the Council Records (vi. 379) for September 24, 1715.

[3] Dummer's Commission was presumably issued in the spring or summer of 1716, as he was sworn on October 5th (Boston News Letter, October 8, 1716, p. 2/1).

[4] The Commission of Burges (1715).

[5] These two volumes, it may be added, contain many documents besides Royal Commissions. The volume labelled "Crown Commissions, 1677–1774" has no index. The volume labelled "Crown Commissions, 1628–1663" has an index, doubtless made many years ago, but this index is worthless since it wrongly describes some of the documents and omits others altogether. Consequently, in order to ascertain exactly what documents are in the two volumes,

volumes contains a Commission of earlier date than 1717, and no Governor's Commission of earlier date than 1741.[1] That so few Commissions are now extant is matter for surprise, for it is reasonable to suppose that such important documents would have been recorded in Boston on their arrival. Indeed, there is evidence that they were so recorded. Thus on June 11, 1702, after Dudley had taken the oaths as Governor, "His Excellency further proposed, that Her Majesty's Letters Patent to himselfe as Governour, and his Comiss^n^ for vice Admiral and the Honble the Lieut^t^ Gov^rs^ Commission might be made of Record. Which the Council advised accordingly."[2] Again, on August 12, 1728, Burnet's Commission as Vice-Admiral was read in Council and "the Secretary directed to record it."[3] Yet none of these Commissions is now extant. It may also be observed that at one time there was apparently still another volume of Crown Commissions, which has likewise disappeared.[4] No

the latter must be examined page by page. Moreover, the documents in the two volumes are not included in the Index volumes to the Archives. Hence an adequate index to the two volumes would be serviceable.

[1] As already stated in the text, however, copies of two earlier Commissions (1685 and 1686) are in the Massachusetts Archives, cxxvi. 95–96, 7–16.

[2] Council Records, iii. 325.

[3] Council Records, ix. 83.

[4] There are two pieces of evidence to support the statement in the text. First, the words "Old volume 3" are written in ink on the recto of the first leaf, unnumbered and otherwise blank, of the volume labelled "Crown Commissions, 1677–1774." That volume contains, besides the leaf just mentioned, two leaves unnumbered and blank; seventy-nine leaves containing records, the folios numbered from 1 to 158; and then forty-nine unnumbered and blank leaves.

Second, on pp. 45–48 of the volume labelled "Crown Commissions, 1628–1663" is recorded the "Commission of William Burnet &c Commissioners for the trial of Pirates," dated December 13, 1728. After the Commission is written (on p. 48) "Examined p^r^ J Willard Secry," the words "J Willard Secry" being in the hand of Willard himself. Then follow these words, not in the hand of Willard: "Recorded in the Secretary's Office in Boston in the Book of Commissions &c^a^ from the Crown, from Page 297, to Page 303.—p J Willard Secry Decr 23. 1729." This "Book of Commissions &c^a^ from the

doubt the melancholy explanation of the fact that so many documents that ought to be in the State House are not there, is that they were destroyed when the original Boston Town House was burned in 1711 or when the new Town House (the present old State House) was seriously injured by fire in 1747.[1]

Crown," which must have been in existence in 1729, is not now extant. Following the entry dated December 23, 1729, are these entries:

Recorded the 6th of October 1738 p̲ Jas Martin Secry

The fifteen preceeding Pages make a true Copy of his Majesty's Commission for the Trial of Pirates &c. as the Same stands on the Publick Records of the English Colony of Rhode Island &c. taken therefrom & duly Examined this first day of April 1748 By Tho Ward Secry."

It is obvious, therefore, that this Commission of December 13, 1728, was not entered in "Crown Commissions, 1628–1663" before April, 1748. Cf. the note immediately below.

[1] The fire of 1747 occurred on the morning of December 9. The same afternoon a committee was appointed in the Legislature to consider what should be done with regard to the loss of documents, and on the 11th —

Josiah Willard Esqr from the Committee of both Houses appointed to consider the Circumstances of the Province in relation to the Desolation of the Court House, gave in the following report, vizt

The Committee . . . Report as their Opinion . . . That the Secretary record in his Office the first or old Charter of this Province & the Charter of King William & Queen Mary with the Commissions of the Governour, Lieut Governour Justices of the Superiour Court & his own (Court Records, xviii. 275–276).

Now the first forty-five pages of "Crown Commissions, 1628–1663" contain, in the order named, the Colony Charter (1629), the Province Charter (1691), the Explanatory Charter (1725), Secretary Willard's First (1717) and Second (1728) Commissions, Lieutenant-Governor Phips's Commission (1732), and Shirley's Commissions (1741) as Governor and as Vice-Admiral. All these, with the exception of the last two, are in the hand of Willard, and even the last two are attested by Willard. The inference is irresistible that this particular volume, which in no event could have been begun later than 1756 (in which year Willard died), must have been begun soon after the fire of 1747 in response to the report of the committee made December 11, 1747. The three Charters were saved and so could be copied, while the Commissions were doubtless in the possession of the three officials and not in the Town House. Cf. p. xviii note 4, *ante*. It may be added that on December 11, 1747, the house "*Voted*, That his Excellency the Governour be desired . . . to appoint a Day of Humiliation and Prayer throughout this Province . . . on Occasion of the great Difficulties the Province Labours under, and the Frowns of Divine Providence,

Of the Commissions found in the Public Record Office there are, generally speaking, two copies of each — one in the Colonial Office Records and one in the Patent Rolls. The copies in the Colonial Office Records were drafts merely, blank spaces being frequently left for the insertion of dates, and changes were sometimes later made. On the other hand, the final stage through which a Commission passed was enrolment in the Patent Rolls; and hence, wherever possible, Commissions should be printed from that source. Of the seventeen Commissions issued to the Governors (or President) as Governor (or President), one — that of Shute (1716) — is in the Colonial Office Records but not in the Patent Rolls; while the remaining sixteen are in the Patent Rolls. Of the thirteen Commissions issued to the Lieutenant-Governors, four — those of Stoughton (1691), Tailer (1711, 1715), and Dummer (1716) — are not extant; two — those of Andrew Oliver (1770) and Thomas Oliver (1774) — are neither in the Patent Rolls nor in the Colonial Office Records; while seven — those of Nicholson (1688), Povey (1702), Dummer (1727), Tailer (1730), Phips (1732), and Hutchinson (1758, 1761) — are in the Colonial Office Records but not in the Patent Rolls. Of the ten Commissions issued to the Secretaries, one — that of Addington (1691) — is not extant; one — that of Randolph (1685) — is neither in the Patent Rolls nor in the Colonial Office Records; while the remaining seven are in the Patent Rolls. Of the two Commissions issued to the Bishop of London, both are in the Patent Rolls. The Commissions issued to the Governors as Vice-Admiral are not in the Patent Rolls; but four — those of Willoughby (1667), Dudley (1685) and Andros (1686, 1688) — are in the Colonial Office Records; while the re-

more especially in Regard of the Destruction of the Court-House in Boston, and great Part of the publick Records by Fire" (House Journal, p. 186). Whoever has had occasion to search in vain for documents that must once have been in the State House realizes how fearful was the loss occasioned by the fire of 1747.

maining thirteen are in the Royal Courts of Justice.[1] It thus appears that of the fifty-four Commissions in this volume, thirty-two are printed from copies obtained from the Patent Rolls. In the present volume, a statement of the source or sources of the text is appended in every instance.

The following extracts, explaining the "Offices and Documents connected with the Working of the Great Seal," taken from a report dated May 15, 1841, by Sir Francis Palgrave, at that time Deputy Keeper of the Public Records, give an authoritative account of the processes, and are here reprinted for convenience, the report not being generally accessible in this country:

General Course of affixing the Great Seal. . . . The whole process of passing Letters Patent under the Great Seal is, however, very complicated, and differing according to the nature of the documents. The subject, therefore, will be rendered more intelligible, by first submitting to your Majesty a general view of the course or cycle of these documents; which course, in the numerical majority of cases, that is to say, in the cases of Patents for Inventions, Charters of Incorporation, and other Instruments of the like nature, issued as of grace and favour, upon the application of your Majesty's subjects, is the following: —

1 Petition addressed to the Crown, upon which is grounded the

2 Reference to the Law Officer or Officers by the { Privy Council, or / Secretary of State.

3 Report { of Attorney and Solicitor General, or one of them, / and of Privy Council, if required, as explained below.

[1] None of the Commissions in Vice-Admiralty previous to 1741 are in the State House, and consequently those from 1685 to 1730 are printed from copies obtained from the Royal Courts of Justice. The Commissions from 1741 to 1774 are in the State House and are here printed from copies obtained from that source. But copies of these Commissions are also in the Royal Courts of Justice, Admiralty Registry, Muniment Books, the references being as follows: Shirley (1741), Vol. 8, p. 182; Pownall (1757), Vol. 9, p. 114; Bernard (1760), Vol. 9, p. 127; Bernard (1761), Vol. 9, p. 139; Hutchinson (1771), Vol. 10, p. 128; Gage (1774), Vol. 10, p. 155.

4 Warrant under your Majesty's Sign Manual, which is the authority for the
5 Bill (called the Queen's Bill) under your Majesty's Sign Manual; which is the authority for the
6 Bill of Privy Signet; which is the authority for the
7 Writ of Privy Seal; which, having the *recepi* of the Lord Chancellor, is the authority for the
8 Patent under the Great Seal.
9 The Writ of Privy Seal is transmitted by the officer who makes out the patents to the
10 Six Clerks, who enrol the same, and who transmit the enrolment and writ to the
11 Clerks of the Petty Bag, who transmit the same to the
12 Chapel of the Rolls.

In some cases, as after mentioned, when the Great Seal is affixed by the commands of your Majesty, or of your Ministers of State, the stages (1, 2, 3)[1] are entirely dispensed with, and in others (if it be your Majesty's pleasure) the stages (6, 7) are also dispensed with, except as to the fees.

But if the Great Seal be affixed by your Lord High Chancellor, in exercise of the authority annexed by law or custom to his office, then the stages (1, 2, 3, 4, 5, 6, 7) are dispensed with, except that in certain cases a Bill (5) is signed by your Majesty.

Royal Warrants, and Classes which they include.— The warrant (4) is a mandate under your Majesty's sign manual, and countersigned, as before mentioned, directing the party to whom it is addressed to prepare a Bill for your Majesty's signature, technically called "the King's Bill," or now "the Queen's Bill" (5). The directions and commands so given, are addressed to your Majesty's Attorney-General alone, or to your Majesty's Attorney or Solicitor General in the disjunctive, or to your Majesty's Attorney and Solicitor General jointly, as after mentioned, or to the Judge Advocate, or to the Clerk of your Majesty's Signet, as the nature of the instrument may require. . . . If your Majesty's Attorney-General be of opinion that the patent ought to be granted, he reports his opinion to your Majesty accordingly: if he should be of a contrary opinion, he does not make a report in the negative, but refrains from making any report at all, and the application drops. . . .

[1] The figures within parentheses, here and elsewhere in these extracts, of course refer to the twelve stages mentioned in the text, pp. xxi–xxii.

The report (3) thus given is lodged by the party obtaining the same with your Majesty's Secretary of State for the Home Department, who prepares the Warrant (4) for your Majesty's signature. This warrant is addressed to the Attorney or Solicitor General in the disjunctive, and delivered to the applicant or his agent, and is taken to the Patent Bill Office, and the Queen's Bill (5), the Bill of Privy Signet (6), the writ of Privy Seal (7), are successively made out. The Patent (8), under the Great Seal, follows. The writ of Privy Seal transmitted (9) by the officer who issued the patent is entered upon the Patent Roll (10) by the Six Clerks; and the writ and enrolment, after having been lodged for a time by the Six Clerks with the clerks of the Petty Bag (11), at last reach their final place of deposit (12) in the Chapel of the Rolls. . . .

Patent Bill Office. — The functions of your Majesty's Attorney and Solicitor General in relation to the documents passing the Great Seal have been in part detailed, but some further particulars remain to be added. A portion of the business, including that which may be termed confidential, is transacted at the chambers of these functionaries for the time being, and is under their control as individuals, and conducted by their private or chamber clerks, also for the time being. But the business of preparing the Queen's Bill (5) for your Majesty's signature is conducted in a permanent office entitled the "Patent Bill Office," or more commonly the "Patent Office," . . . To this office, all the warrants (4) directed to the Attorney and Solicitor General, or either of them, are brought by the agents of the parties interested in the same (if relating to private applications), or are transmitted by the Government Departments if relating to public business. . . . These Queen's Bills are prepared by the Clerk of the Patents according to the precedents preserved in the office, if the instrument be one for which there is now a settled and accustomed form, or from the drafts which, in new or special cases (*e.g.* Charters of Incorporation), are transmitted with the warrants. . . . The Queen's Bill for your Majesty's signature is engrossed upon parchment, and two other copies are made, also upon parchment, exactly of the same form and size, which copies become the original Bills of Privy Signet (6) and writs of Privy Seal (7) when afterwards perfected by the respective officers. The signatures or signature of the law officers or law

officer to the docket are or is procured by the Clerk of the Patents; and the Queen's Bill and the transcripts are delivered to the party or functionary by whom the same is to be passed, and he takes the first to the office of your Majesty's Secretary of State for the Home Department, where your Majesty's signature is obtained to the Queen's Bill. The transcripts, in the same manner, reach the Privy Signet and Privy Seal Offices, and, excepting in the addition of the formal parts, and the adding of the needful signatures, no alteration is ever made in these transcripts. As they are received from the Patent Bill Office, so are they (with such additions) issued as the Bill of Privy Signet and Writ of Privy Seal. . . .

Privy Signet Office — *Bills of Privy Signet, how passed.* — Pursuant to the statute made in the 27th year of the reign of King Henry VIII., entitled "An Act concerning the Clerks of the Privy Signet and Privy Seal," all signs manual (except in certain cases therein specified) upon which instruments passing the Great Seal are to be grounded, must first be brought to this department for the purpose of issuing the Bill under your Majesty's Signet, and the signature of one of the clerks, which Bill of Privy Signet is the foundation or authority for the Writ of Privy Seal. According to the present practice, these signs manual are of two classes: the signs manual or warrants (4) relating to ecclesiastical preferments, which proceed at once from your Majesty's Secretary of State for the Home Department, and the Signs Manual, or "Queen's Bills" (5), from the Patent Bill Office of the Attorney and Solicitor General.

In the first case, the Clerk of the Privy Signet upon receipt of the warrant (4) prepares and completes the Bill of Privy Signet, which is addressed to the Lord Privy Seal, and is the authority for issuing the Writ of Privy Seal. In the other cases, the party by whom the Patent is passed (and whether it be public or private the process is the same) lodges in this office the Queen's Bill (5), with your Majesty's signature: and the transcript of the instrument upon parchment being received from the Patent Bill Office of your Majesty's Attorney and Solicitor General, it is collated, completed, and rendered a bill of Privy Signet by the Clerk, who subscribes and affixes your Majesty's signet to the same, addresses it as above stated to the Lord Privy Seal, and forwards it to his office. . . .

Privy Seal Office — *Passing of the Writs.* — When the Privy

Signet comes into this office, the Keeper of the Records prepares the Bill or Writ of Privy Seal, by adding the formal parts to the transcript of the Queen's Bill, which he has received from the Attorney-General's Patent Office; and he presents the same to the Lord Privy Seal, in order that the Seal may be affixed thereto. The Seal itself is in the custody of the Lord Privy Seal, and kept at his house. . . . The Writ of Privy Seal is then taken, by the agent or messenger of the private party or public department on whose behalf it is issued, to the Officers of the Chancery, by some one of whom the Patent is to be made out, that is to say, the Clerk of the Patents, or the Clerk of the Crown Office, or the Clerk of the Custodies. When the Writ of Privy Seal reaches the Lord Chancellor, he signs a memorandum called the *Recepi* at the foot of the same, and this signature of his Lordship is the authority to his Officers for preparing the Letters Patent, and affixing the Great Seal to the same. . . .

Constitution of the [Six Clerks'] *Office.* — The Six Clerks of your Majesty's High Court of Chancery were re-incorporated by King Charles I., by charter bearing date the 17th day of June, in the 11th year of his reign. . . .

Patent Rolls. — The making up of the Patent Rolls belongs to the Six Clerks collectively, but, in consequence of the statute of the 3 and 4 Will. IV. c. 94, the duty is executed in the name of each of the five surviving Six Clerks in rotation: the clerk who thus receives the profit is termed the "Riding-clerk," and he also exercises the office of "Comptroller and Supervisor of the Hanaper," as a responsible and accountable duty. The offices of "Riding-clerk" and of Comptroller of the Hanaper are distinct. . . .

The business of the enrolment, constituting what has been pointed out as the tenth stage of Letters Patent (10), is performed by an individual who is a law-stationer; he is not upon the establishment of the Six Clerks' Office, but he is allowed to sit in the Office in order that he may do his work under the inspection of the Six Clerks. The materials from which he makes the entries upon the Roll are furnished by the Privy Seal Writs, the Warrants and Bills under your Majesty's Sign manual, and the Proclamations, which are transmitted annually, generally within a month after the 10th of October in each year, from the Patent Bill Office, the Crown Office, and the Clerk of the Presentations. Commissions

of the Peace, Patents containing Exemplifications of pleadings, and some other Patents under the Great Seal, principally those issuing upon the Chancellor's Fiat, are no longer, as anciently, entered upon the Patent Roll, and no Record, properly speaking, is preserved of them. The writing clerk obtains the Privy Seal Writs and Bills and Warrants from the different offices. He then arranges the whole mass in chronological order, and engrosses the instruments which they contain upon the membranes or skins which, when tacked together, compose the Patent Roll.[1] . . .

Palgrave then goes on to explain how documents are transmitted from the Six Clerks' Office to the Petty Bag Office, and from the Petty Bag Office to the Chapel of the Rolls.[2]

It will be observed that the Commissions of the Governors as Vice-Admiral are, from 1685 to 1730, in Latin, while those from 1741 to 1774 are in English. It is perhaps worth while to show exactly when English was substituted for Latin in such documents. In 1731 there was passed (4 George II, Chapter 26) "An Act that all Proceedings in Courts of Justice within that Part of *Great Britain* called *England*, and in the Court of Exchequer in *Scotland*, shall be in the *English* Language." This Act is in part as follows:

WHEREAS many and great Mischiefs do frequently happen to the Subjects of this Kingdom, from the Proceedings in Courts of Justice being in an unknown Language, . . . To remedy these great Mischiefs, . . . be it enacted . . . That from and after the Twenty fifth Day of March, One thousand seven hundred and thirty-three, all Writs, Process, and Returns thereof, . . . and all Patents, Charters, Pardons, Commissions, Records, . . . shall be in the English Tongue and Language only, and not in Latin or French, or any other Tongue or Language whatsoever, . . .

[1] Second Report of the Deputy Keeper of the Public Records, London, 1841, pp. 26–27, 28, 30, 32–33, 40, 41.

[2] Ibid. pp. 41, 43, 44, 46.

Not to extend to Proceedings in Court of Admiralty.

III. Provided always, that nothing in this Act, nor any thing herein contained, shall extend to certifying beyond the Seas any Case or Proceedings in the Court of Admiralty; but that in such Cases the Commissions and Proceedings may be certified in Latin, as formerly they have been.[1]

The third section apparently makes the Act permissive, not mandatory, as regards Admiralty commissions and proceedings, leaving the authorities free to use either Latin or English. As a matter of fact, the authorities immediately chose English. The Commission of Richard Fitzwilliam as Vice-Admiral of the Bahamas, dated March 3, 1733, was in Latin; while that of William Mathew as Vice-Admiral of the Leeward Isles, dated April 27, 1733, was in English, as were all subsequent such Commissions.[2] For the English translations of the Latin Commissions in this volume, the Society is indebted to one of the members of the Committee of Publication, — Mr. George Lyman Kittredge.

Within the past few years the Colonial Office Records, preserved at the Public Record Office, have been re-arranged and are now catalogued under a new system of references. These new references are employed in the present volume.[3]

For the Committee of Publication,

Albert Matthews,
Editor.

Boston, February 1, 1913.

[1] Statutes at Large (1734), vi. 307. The Act of 4 George II, Ch. 26, was in 1733 extended to Wales by the Act of 6 George II, Ch. 14 (Statutes at Large, vi. 485).

[2] For this information, the Editor is indebted to Miss Lucy Drucker.

[3] Some Notes on the Commissions are in preparation and will be printed in a later volume of Publications.

CHRONOLOGICAL LIST OF COMMISSIONS

1667–1774 [1]

DATE		NAME	OFFICE	PAGE
1667	Jan. 26	Lord Willoughby	Vice-Admiral	187
1681	Oct. 15	Edward Randolph	Collector, etc.	333
1685	Sept. 21	Edward Randolph	Secretary, etc.	311
1685	Oct. 8	Joseph Dudley	President	37
1685	Nov. 13	Joseph Dudley	Vice-Admiral	199
1686	June 3	Sir Edmund Andros	Governor	44
1686		Sir Edmund Andros	Vice-Admiral	201
1688	April 7	Sir Edmund Andros	Governor	57
1688	April 20	Francis Nicholson	Lieutenant-Governor	291
1688	April 25	Edward Randolph	Secretary, etc.	313
1688	April 30	Sir Edmund Andros	Vice-Admiral	203
1691	Dec. 12	Sir William Phips	Governor	69
1691	Dec. 29	Sir William Phips	Vice-Admiral	206
1691	Dec.[2]	William Stoughton [3]	Lieutenant-Governor	
1691	Dec.[4]	Isaac Addington [5]	Secretary	
1697	June 18	Earl of Bellomont	Governor	76
1698	Oct. 10	Earl of Bellomont	Vice-Admiral	216
1702	Feb. 13	Joseph Dudley	Governor	391
1702	Feb. 26	Joseph Dudley	Vice-Admiral	220
1702	April 1	Joseph Dudley	Governor	83
1702	April 11	Thomas Povey	Lieutenant-Governor	293
1711 [6]		William Tailer [7]	Lieutenant-Governor	
1715	March 17	Elizeus Burges	Governor	91
1715	March 22	Elizeus Burges	Vice-Admiral	225
1715	April 28	William Tailer [8]	Lieutenant-Governor	

[1] All dates in the Preface, in these Lists, and in the Index, are New Style.
[2] This date is approximate: see p. xvi note 2, *ante*.
[3] His Commission is not extant.
[4] This date is approximate: see p. xvi note 1, *ante*.
[5] His Commission is not extant.
[6] The exact date of this Commission is not known: see p. xvii note 1, *ante*.
[7] His Commission is not extant.
[8] His Commission is not extant: see p. xvii note 2, *ante*.

	DATE	NAME	OFFICE	PAGE
1715	June 23	Samuel Woodward	Secretary	315
1716	June 13	Samuel Shute	Vice-Admiral	228
1716	June 15	Samuel Shute	Governor	101
1716 [1]		William Dummer [2]	Lieutenant-Governor	
1717	June 17	Josiah Willard	Secretary	317
1727	Feb. 9	Edmund Gibson		341
1727	Oct. 17	William Dummer	Lieutenant-Governor	295
1728	March 7	William Burnet	Governor	110
1728	March 14	William Burnet	Vice-Admiral	231
1728	March 28	Josiah Willard	Secretary	319
1728	April 29	Edmund Gibson		348
1730	Jan. 28	Jonathan Belcher	Governor	119
1730	March 2	Jonathan Belcher	Vice-Admiral	234
1730	April 15	William Tailer	Lieutenant-Governor	297
1732	April 29	Spencer Phips	Lieutenant-Governor	299
1741	May 25	William Shirley	Governor	128
1741	Aug. 21	William Shirley	Vice-Admiral	237
1757	Feb. 25	Thomas Pownall	Governor	137
1757	Feb. 28	Thomas Pownall	Vice-Admiral	247
1758	Feb. 10	Thomas Hutchinson	Lieutenant-Governor	301
1758	March 2	Andrew Oliver	Secretary	322
1760	Jan. 14	Francis Bernard	Governor	146
1760	Feb. 12	Francis Bernard	Vice-Admiral	257
1761	March 13	Thomas Hutchinson	Lieutenant-Governor	303
1761	April 4	Francis Bernard	Governor	155
1761	April 10	Andrew Oliver	Secretary	324
1761	May 18	Francis Bernard	Vice-Admiral	267
1770	Oct. 19	Andrew Oliver	Lieutenant-Governor	305
1770	Nov. 12	Thomas Flucker	Secretary	328
1770	Nov. 28	Thomas Hutchinson	Governor	164
1771	Jan. 4	Thomas Hutchinson	Vice-Admiral	269
1774	April 5	Thomas Gage	Vice-Admiral	279
1774	April 7	Thomas Gage	Governor	174
1774	May 28	Thomas Oliver	Lieutenant-Governor	307

[1] The exact date of this Commission is not known: see p. xvii note 3, *ante*.
[2] His Commission is not extant.

ALPHABETICAL LIST OF COMMISSIONS

1667–1774

NAME	OFFICE	DATE		PAGE
Addington, Isaac [1]	Secretary	1691	Dec.[2]	
Andros, Sir Edmund	Governor	1686	June 3	44
	Vice-Admiral	1686		201
	Governor	1688	April 7	57
	Vice-Admiral	1688	April 30	203
Belcher, Jonathan	Governor	1730	Jan. 28	119
	Vice-Admiral	1730	March 2	234
Bellomont, Earl of	Governor	1697	June 18	76
	Vice-Admiral	1698	Oct. 10	216
Bernard, Francis	Governor	1760	Jan. 14	146
	Vice-Admiral	1760	Feb. 12	257
	Governor	1761	April 4	155
	Vice-Admiral	1761	May 18	267
Burges, Elizeus	Governor	1715	March 17	93
	Vice-Admiral	1715	March 22	225
Burnet, William	Governor	1728	March 7	110
	Vice-Admiral	1728	March 14	231
Dudley, Joseph	President	1685	Oct. 8	37
	Vice-Admiral	1685	Nov. 13	199
	Governor	1702	Feb. 13	391
	Vice-Admiral	1702	Feb. 26	220
	Governor	1702	April 1	83
Dummer, William [3]	Lieutenant-Governor	1716 [4]		
	Lieutenant-Governor	1727	Oct. 17	295
Flucker, Thomas	Secretary	1770	Nov. 12	328
Gage, Thomas	Vice-Admiral	1774	April 5	279
	Governor	1774	April 7	174
Gibson, Edmund		1727	Feb. 9	341
		1728	April 29	348

[1] His Commission is not extant.
[2] This date is approximate: see p. xvi note 1, *ante*.
[3] His Commission of 1716 is not extant.
[4] The exact date of this Commission is not known: see p. xvii note 3, *ante*.

NAME	OFFICE	DATE		PAGE
Hutchinson, Thomas	Lieutenant-Governor	1758	Feb. 10	301
	Lieutenant-Governor	1761	March 13	303
	Governor	1770	Nov. 28	164
	Vice-Admiral	1771	Jan. 4	269
Nicholson, Francis	Lieutenant-Governor	1688	April 20	291
Oliver, Andrew	Secretary	1758	March 2	322
	Secretary	1761	April 10	324
	Lieutenant-Governor	1770	Oct. 19	305
Oliver, Thomas	Lieutenant-Governor	1774	May 28	307
Phips, Spencer	Lieutenant-Governor	1732	April 29	299
Phips, Sir William	Governor	1691	Dec. 12	69
	Vice-Admiral	1691	Dec. 29	206
Povey, Thomas	Lieutenant-Governor	1702	April 11	293
Pownall, Thomas	Governor	1757	Feb. 25	137
	Vice-Admiral	1757	Feb. 28	247
Randolph, Edward	Collector, etc.	1681	Oct. 15	333
	Secretary, etc.	1685	Sept. 21	311
	Secretary, etc.	1688	April 25	313
Shirley, William	Governor	1741	May 25	128
	Vice-Admiral	1741	Aug. 21	237
Shute, Samuel	Vice-Admiral	1716	June 13	228
	Governor	1716	June 15	101
Stoughton, William [1]	Lieutenant-Governor	1691	Dec.[2]	
Tailer, William [3]	Lieutenant-Governor	1711 [4]		
	Lieutenant-Governor	1715	April 28	
	Lieutenant-Governor	1730	April 15	297
Willard, Josiah	Secretary	1717	June 17	317
	Secretary	1728	March 28	319
Willoughby, Lord	Vice-Admiral	1667	Jan. 26	187
Woodward, Samuel	Secretary	1715	June 23	315

[1] His Commission is not extant.
[2] This date is approximate: see p. xvi note 2, *ante*.
[3] His Commissions of 1711 and 1715 are not extant.
[4] The exact date of this Commission is not known: see p. xvii note 1, *ante*.

LIST OF OFFICIALS

1685–1775[1]

COUNCIL FOR NEW ENGLAND, 1685–1686

President

NAME	COMMISSIONED	TOOK OFFICE	LEFT OFFICE
Joseph Dudley	1685 Oct. 8	1686 May 25	1686 Dec. 20

Deputy-President

William Stoughton[2]		1686 May 26	1686 Dec. 20

TERRITORY AND DOMINION OF NEW ENGLAND, 1686–1689

Governor

NAME	COMMISSIONED	TOOK OFFICE	LEFT OFFICE
Sir Edmund Andros	1686 June 3 1688 April 7[3]	1686 Dec. 20	

Lieutenant-Governor

Francis Nicholson	1688 April 20[3]	1688 July 19	

Secretary

Edward Randolph	1685 Sept. 21 1688 April 25[3]	1686 July 1	

[1] This List is based on data obtained from the Council Records, the Court Records, the Massachusetts House Journals, the Boston newspapers, and other contemporary sources.

[2] Stoughton held this office not by Royal commission, but by appointment from President Dudley.

[3] The Andros government was overthrown on April 18, 1689.

PROVINCE OF THE MASSACHUSETTS BAY, 1691–1775

Governors

NAME	COMMISSIONED	TOOK OFFICE	LEFT OFFICE
Sir William Phips	1691 Dec. 12	1692 May 16	1694 Nov. 17
William Stoughton [1]		1694 Dec. 4	1699 May 26
Earl of Bellomont	1697 June 18	1699 May 26	1700 July 17
William Stoughton		1700 July 22	1701 July 7 [2]
The Council		1701 July 10	1702 June 11
Joseph Dudley	1702 April 1	1702 June 11	1715 Feb. 4
The Council		1715 Feb. 4	1715 March 21
Elizeus Burges [3]	1715 March 17		
Joseph Dudley		1715 March 21	1715 Nov. 9
William Tailer		1715 Nov. 9	1716 Oct. 5
Samuel Shute	1716 June 15	1716 Oct. 5	1723 Jan. 1
William Dummer		1723 Jan. 2	1728 July 19
William Burnet	1728 March 7	1728 July 19	1729 Sept. 7 [4]
William Dummer		1729 Sept. 10	1730 June 11
William Tailer		1730 June 11	1730 Aug. 10
Jonathan Belcher	1730 Jan. 28	1730 Aug. 10	1741 Aug. 14
William Shirley	1741 May 25	1741 Aug. 14	1749 Sept. 11
Spencer Phips		1749 Sept. 15	1753 Aug. 7
William Shirley		1753 Aug. 7	1756 Sept. 25
Spencer Phips		1756 Sept. 25	1757 April 4 [5]
The Council		1757 April 5	1757 Aug. 3
Thomas Pownall	1757 Feb. 25	1757 Aug. 3	1760 June 3
Thomas Hutchinson		1760 June 3	1760 Aug. 2
Francis Bernard	1760 Jan. 14	1760 Aug. 2	
	1761 April 4		1769 Aug. 1
Thomas Hutchinson		1769 Aug. 2	1771 March 14
Thomas Hutchinson	1770 Nov. 28	1771 March 14	1774 May 17
Thomas Gage	1774 April 7	1774 May 17 [6]	

[1] The names of Acting-Governors are printed in italics, as is also the Council when the government devolved upon the latter.

[2] Stoughton died July 7, 1701.

[3] Burges never came to this country.

[4] Burnet died September 7, 1729.

[5] Spencer Phips died April 4, 1757.

[6] The outbreak of the Revolution makes it impossible to say exactly when Gage, Thomas Oliver, and Flucker left office.

Lieutenant-Governors

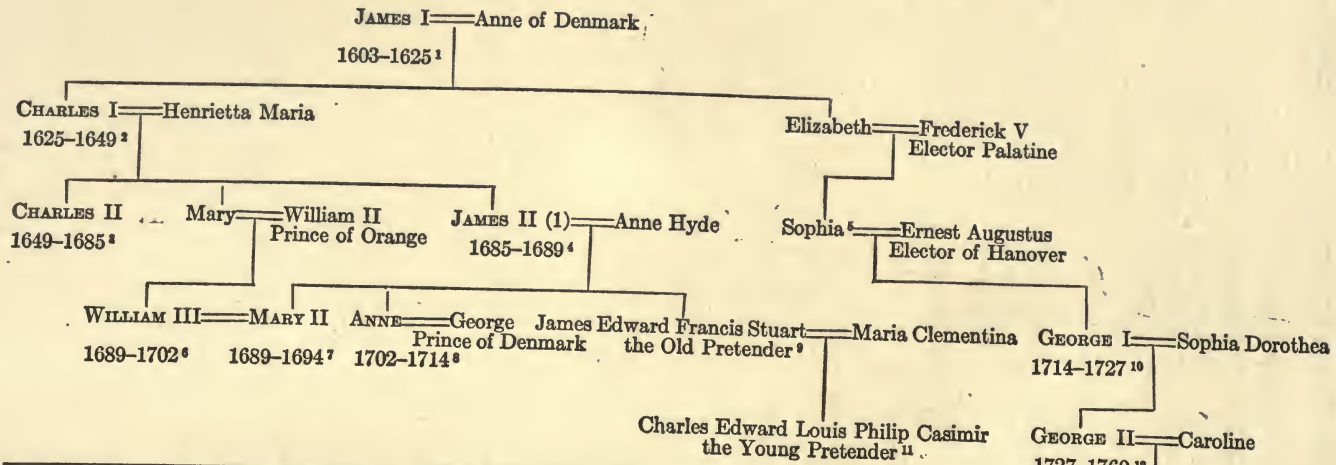
NAME	COMMISSIONED	TOOK OFFICE	LEFT OFFICE
William Stoughton	1691 Dec.[1]	1692 May 16	1701 July 7 [2]
Thomas Povey	1702 April 11	1702 June 11	1706 Jan. 28 [3]
William Tailer	1711 [4]	1711 Oct. 4	
	1715 April 28		1716 Oct. 5
William Dummer	1716 [5]	1716 Oct. 5	
	1727 Oct. 17		1730 June 11
William Tailer	1730 April 15	1730 June 11	1732 March 1 [6]
Spencer Phips	1732 April 29	1732 Aug. 8	1757 April 4 [7]
Thomas Hutchinson	1758 Feb. 10	1758 June 1	
	1761 March 13		1771 March 14
Andrew Oliver	1770 Oct. 19	1771 March 14	1774 March 3 [8]
Thomas Oliver	1774 May 28	1774 Aug. 8 [9]	

Secretaries

Isaac Addington	1691 Dec.[10]	1692 May 16	1715 March 19 [11]
Samuel Woodward	1715 June 23	1715 Sept. 24	1716 Aug. 3 [12]
Josiah Willard	1717 June 17	1717 Dec. 4	
	1728 March 28		1756 Dec. 7 [13]
Andrew Oliver	1758 March 2	1756 Dec. 15 [14]	
	1761 April 10		1771 March 11
Thomas Flucker	1770 Nov. 12	1771 March 11 [15]	

[1] This date is approximate: see p. xvi note 2, *ante*.
[2] Stoughton died July 7, 1701.
[3] This date is approximate.
[4] The exact date of this Commission is not known: see p. xvii note 1, *ante*.
[5] The exact date of this Commission is not known: see p. xvii note 3, *ante*.
[6] Tailer died March 1, 1732.
[7] Spencer Phips died April 4, 1757.
[8] Andrew Oliver died March 3, 1774.
[9] See p. xxxiv note 6, *ante*.
[10] This date is approximate: see p. xvi note 1, *ante*.
[11] Addington died March 19, 1715. On March 26, 1715, Gov. Dudley appointed Addington Davenport and Paul Dudley to keep the Seals.
[12] This date is approximate.
[13] Willard died December 7, 1756.
[14] Andrew Oliver was appointed Secretary by Lt.-Gov. Phips on December 13 and took office December 15, 1756. He was sworn under his Royal Commission June 1, 1758.
[15] See p. xxxiv note 6, *ante*.

SOVEREIGNS OF ENGLAND, 1603–1776



[1] Queen Elizabeth died March 24, 1603. James I succeeded March 24, 1603, and died March 27, 1625.
[2] Charles I succeeded March 27, 1625, and was executed January 30, 1649.
[3] Charles II was proclaimed King in Edinburgh February 5, 1649; was proclaimed in Westminster Hall May 8, 1660; and died February 6, 1685.
[4] James II succeeded February 6, 1685; fled from Whitehall December 11, 1688; left England December 23, 1688; and died September 6, 1701.
[5] Princess Sophia, Electress of Hanover, died June 8, 1714.
[6] William landed in England November 5, 1688. On February 13, 1689, he and Mary were tendered and accepted the crown. William died March 8, 1702.
[7] Mary died December 28, 1694.
[8] Anne succeeded March 8, 1702, and died August 1, 1714.
[9] The Old Pretender was born June 10, 1688, and died January 1, 1766.
[10] George I succeeded August 1, 1714, and died June 11, 1727.
[11] The Young Pretender was born December 31, 1720, and died January 31, 1788.
[12] George II succeeded June 11, 1727, and died October 25, 1760.
[13] Frederick Louis died March 20, 1751.
[14] George III succeeded October 25, 1760, and died January 29, 1820.

TABLE

OF

REGNAL YEARS, 1684–1776

TABLE

Showing the Beginning and End of each Year of the Reigns of the Sovereigns of England, from the Accession of James II to the American Revolution

1st of	James the Second.			From 6 Feb.	1684–5	to	6 Feb.	1685–6
2nd	,,	,,	,,	,,	1685–6	,,	,,	1686–7
3rd	,,	,,	,,	,,	1686–7	,,	,,	1687–8
4th	,,	,,	,,	,,	1687–8	,,	11 Dec.	1688
				(Throne Vacant.)				
1st of	William and Mary.			From 13 Feb.	1688–9	,,	13 Feb.	1689–90
2nd	,,	,,	,,	,,	1689–90	,,	,,	1690–91
3rd	,,	,,	,,	,,	1690–91	,,	,,	1691–2
4th	,,	,,	,,	,,	1691–2	,,	,,	1692–3
5th	,,	,,	,,	,,	1692–3	,,	,,	1693–4
6th	,,	,,	,,	,,	1693–4	,,	,,	1694–5
7th	,,	,,	,,	,,	1694–5	,,	,,	1695–6
8th	,,	the Third [1]	,,	,,	1695–6	,,	,,	1696–7
9th	,,	,,	,,	,,	1696–7	,,	,,	1697–8
10th	,,	,,	,,	,,	1697–8	,,	,,	1698–9
11th	,,	,,	,,	,,	1698–9	,,	,,	1699–1700
12th	,,	,,	,,	,,	1699–1700	,,	,,	1700–1
13th	,,	,,	,,	,,	1700–1	,,	,,	1701–2
14th	,,	,,	,,	,,	1701–2	,,	8 Mar.	1701–2
1st	of Anne.			From 8 March,	1701–2	,,	,,	1702–3
2nd	,,		,,	,,	1702–3	,,	,,	1703–4
3rd	,,		,,	,,	1703–4	,,	,,	1704–5
4th	,,		,,	,,	1704–5	,,	,,	1705–6
5th	,,		,,	,,	1705–6	,,	,,	1706–7
6th	,,		,,	,,	1706–7	,,	,,	1707–8
7th	,,		,,	,,	1707–8	,,	,,	1708–9
8th	,,		,,	,,	1708–9	,,	,,	1709–10
9th	,,		,,	,,	1709–10	,,	,,	1710–11
10th	,,		,,	,,	1710–11	,,	,,	1711–12
11th	,,		,,	,,	1711–12	,,	,,	1712–13
12th	,,		,,	,,	1712–13	,,	,,	1713–14
13th	,,		,,	,,	1713–14	,,	1 Aug.	1714

[1] See Province Laws, i. 753, footnote †, respecting the change in enumerating the Year occasioned by the death of Queen Mary which occurred 28 December, 1694.

1st	of	GEORGE	THE	FIRST.	From 1 Aug.	1714	to 1 Aug.	1715
2nd	,,	,,	,,	,,	1715	,,	,,	1716
3rd	,,	,,	,,	,,	1716	,,	,,	1717
4th	,,	,,	,,	,,	1717	,,	,,	1718
5th	,,	,,	,,	,,	1718	,,	,,	1719
6th	,,	,,	,,	,,	1719	,,	,,	1720
7th	,,	,,	,,	,,	1720	,,	,,	1721
8th	,,	,,	,,	,,	1721	,,	,,	1722
9th	,,	,,	,,	,,	1722	,,	,,	1723
10th	,,	,,	,,	,,	1723	,,	,,	1724
11th	,,	,,	,,	,,	1724	,,	,,	1725
12th	,,	,,	,,	,,	1725	,,	,,	1726
13th	,,	,,	,,	,,	1726	,,	11 June	1727
1st	of	GEORGE	THE	SECOND.	From 11 June,	1727	,, ,,	1728
2nd	,,	,,	,,	,,	1728	,,	,,	1729
3rd	,,	,,	,,	,,	1729	,,	,,	1730
4th	,,	,,	,,	,,	1730	,,	,,	1731
5th	,,	,,	,,	,,	1731	,,	,,	1732
6th	,,	,,	,,	,,	1732	,,	,,	1733
7th	,,	,,	,,	,,	1733	,,	,,	1734
8th	,,	,,	,,	,,	1734	,,	,,	1735
9th	,,	,,	,,	,,	1735	,,	,,	1736
10th	,,	,,	,,	,,	1736	,,	,,	1737
11th	,,	,,	,,	,,	1737	,,	,,	1738
12th	,,	,,	,,	,,	1738	,,	,,	1739
13th	,,	,,	,,	,,	1739	,,	,,	1740
14th	,,	,,	,,	,,	1740	,,	,,	1741
15th	,,	,,	,,	,,	1741	,,	,,	1742
16th	,,	,,	,,	,,	1742	,,	,,	1743
17th	,,	,,	,,	,,	1743	,,	,,	1744
18th	,,	,,	,,	,,	1744	,,	,,	1745
19th	,,	,,	,,	,,	1745	,,	,,	1746
20th	,,	,,	,,	,,	1746	,,	,,	1747
21st	,,	,,	,,	,,	1747	,,	,,	1748
22nd	,,	,,	,,	,,	1748	,,	,,	1749
23rd	,,	,,	,,	,,	1749	,,	,,	1750
24th	,,	,,	,,	,,	1750	,,	,,	1751
25th	,,	,,	,,	,,	1751	,,	,,	1752
26th	,,	,,	,,	,,	1752	,,	,,	1753
27th	,,	,,	,,	,,	1753	,,	,,	1754
28th	,,	,,	,,	,,	1754	,,	,,	1755

29th of	George	the	Second.	From	11 June,	1755	to 11 June	1756
30th	,,	,,	,,	,,	1756	,,	,,	1757
31st	,,	,,	,,	,,	1757	,,	,,	1758
32nd	,,	,,	,,	,,	1758	,,	,,	1759
33rd	,,	,,	,,	,,	1759	,,	,,	1760
34th	,,	,,	,,	,,	1760	,,	25 Oct.	1760
1st of	George	the	Third.	From	25 Oct.	1760	,, ,,	1761
2nd	,,	,,	,,	,,	1761	,,	,,	1762
3rd	,,	,,	,,	,,	1762	,,	,,	1763
4th	,,	,,	,,	,,	1763	,,	,,	1764
5th	,,	,,	,,	,,	1764	,,	,,	1765
6th	,,	,,	,,	,,	1765	,,	,,	1766
7th	,,	,,	,,	,,	1766	,,	,,	1767
8th	,,	,,	,,	,,	1767	,,	,,	1768
9th	,,	,,	,,	,,	1768	,,	,,	1769
10th	,,	,,	,,	,,	1769	,,	,,	1770
11th	,,	,,	,,	,,	1770	,,	,,	1771
12th	,,	,,	,,	,,	1771	,,	,,	1772
13th	,,	,,	,,	,,	1772	,,	,,	1773
14th	,,	,,	,,	,,	1773	,,	,,	1774
15th	,,	,,	,,	,,	1774	,,	,,	1775
16th	,,	,,	,,	,,	1775	,,	,,	1776

CHARTER

OF THE

PROVINCE OF THE MASSACHUSETTS BAY

1691

AND

EXPLANATORY CHARTER

1725

CHARTER OF THE PROVINCE

OF THE

MASSACHUSETTS BAY

1691

William & Mary by the grace of God King and Queene of England Scotland France and Ireland Defenders of the Faith &c To all to whome these presents shall come Greeting Whereas his late Majesty King James the First Our Royall Predecessor by his Letters Patents vnder the Greate Seale of England bearing date at Westminster the Third Day of November in the Eighteenth yeare of his Reigne did Give and Grant vnto the Councill established at Plymouth in the County of Devon for the Planting Ruleing Ordering and Governing of New England in America and to their Successors and Assignes all that part of America lying and being in Breadth from Forty Degrees of Northerly Latitude from the Equinoctiall Line to the Forty Eighth Degree of the said Northerly Latitude Inclusively, and in length of and within all the Breadth aforesaid throughout all the Main Lands from Sea to Sea together alsoe with all the firme Lands Soiles Grounds Havens Ports Rivers Waters Fishings Mines and Mineralls aswell Royall Mines of Gold and Silver as other Mines and Mineralls Pretious Stones Quarries and all and singular other Comodities Jurisdiccons Royalties Priviledges Franchises and Preheminences both within the said Tract of Land vpon the Main and alsoe within the Islands and Seas adjoyning Provided alwayes that the said Lands Islands or any the premisses by the said Letters Patents intended or meant to be Granted were not not[1] then actually possessed or Inhabited

Recital that King James I. granted to the Council at Plymouth in Devonshire

—all that part of America from 40 to 48 degrees north latitude, and from sea to sea,

[1] *Sic.*

by any other Christian Prince or State or within the bounds Limitts or Territories of the Southern Collony then before granted by the said late King James the First [to be planted [1]] by divers of his Subjects in the South parts **To have** and to hold possesse and enjoy all and singular the aforesaid Continent Lands Territories Islands Hereditaments and Precincts Seas Waters Fishings with all and all manner of their Comodities Royaltyes Liberties Preheminences and Profitts that should from thenceforth arise from thence with all and singular their appurtenances and every part and parcell thereof vnto the said Councill and their Successors and Assignes for ever to the sole and proper vse and benefitt of the said Councill and their Successors and Assignes for ever **To** be holden of his said late Majestie King James the First his Heires and Successors as of his Mannor of East Greenwich in the County of Kent in free and Comon Soccage and not in Capite or by Knights Service **Yeilding** and paying therefore to the said late King his Heires and Successors the Fifth part of the Oar of Gold and Silver which should from time to time and at all times then after happen to be found gotten had and obteyned in all or within any of the said Lands Limitts Territories or Precincts or in or within any part or parcell thereof for or in respect of all and all manner of duties demands and services whatsoever to be done made or paid to the said late King James the first his Heires and Successors (as in and by the said Letters Patents amongst sundry other Clauses Powers Priviledges and Grants therein conteyned more at large appeareth **And Whereas** the said Councill established at Plymouth in the County of Devon for the Planting Ruleing Ordering and Governing of New England in America Did by their Deed Indented vnder their Comon Seale bearing Date the Nineteenth Day of March in the Third yeare of the Reigne of our Royall Grandfather King Charles the First of ever Blessed Memory Give Grant Bargaine Sell Enffeoffe Alien and Confirme to Sir Henry Roswell Sir John Young Knights Thomas Southcott John Humphreys John Endicot and Simond Whetcomb their Heires and Assines and their Associats for ever All that part of New England in America aforesd which lyes and extends betweene a great River there comonly called Monomack als Merrimack and a certaine other River there called Charles River being in a Bottom of a certaine Bay there comonly called Massachusetts als Matta-

— to hold in fee;

— paying the fifth part of the ore of gold and silver:

— that the Council at Plymouth granted to Sir Henry Roswell and others

— part of New England by certain bounds

[1] These words occur in the printed copies, but are not in the original. See also Colony Charter.

chuseetts als Massatusetts Bay And alsoe all and singular those Lands and Hereditaments whatsoever lying within the space of Three English Miles on the South part of the said Charles River or of any and every part thereof And alsoe all and singuler the Lands and Hereditaments whatsoever lying and being within the space of three English Miles to the Southward of the Southermost part of the said Bay called the Massachusetts als Mattachusetts als Massatusetts Bay And alsoe all those Lands and Hereditaments whatsoever which lye and be within the space of three English Miles to the Northward of the said River called Monomack als Merrimack or to the Northward of any and every part thereof And all Lands and Hereditaments whatsoever lying within the Limitts aforesaid North and South in Latitude and in Breadth and in length and longitude of and within all the Breadth aforesaid throughout the Main Lands there from the Atlantick and Western Sea and Ocean on the East parte to the South Sea on the West part and all Lands and Grounds Place and Places Soile Woods and Wood Grounds Havens Ports Rivers Waters Fishings and Hereditaments whatsoever lying within the said Bounds and Limitts and every parte and parcell thereof and alsoe all Islands lying in America aforesaid in the said Seas or either of them on the Western or Eastern Coasts or Parts of the said Tracts of Land by the said Indenture mencõned to be Given and Granted Bargained Sold Enffeoffed Aliened and Confirmed or any of them And alsoe all Mines and Mineralls aswell Royall Mines of Gold and Silver as other Mines and Mineralls whatsoever in the said Lands and Premisses or any parte thereof and all Jurisdiccõns Rights Royalties Liberties Freedoms Imunities Priviledges Franchises Preheminences and Comodities whatsoever which they the said Councill established at Plymouth in the County of Devon for the planting Ruleing Ordering and Governing of New England in America then had or might vse exercise or enjoy in or within the said Lands and Premisses by the same Indenture mencõned to be given granted bargained sold enffeoffed and confirmed in or within any part or parcell thereof **To have** and to hold the said parte of New England —to hold in fee; in America which lyes and extends and is abutted as aforesaid and every parte and parcell thereof And all the said Islands Rivers Ports Havens Waters Fishings Mines Mineralls Jurisdiccõns Franchises Royalties Liberties Priviledges Comodities Hereditaments and premisses whatsoever with the appurtenances vnto the said Sir Henry Roswell Sir John Young Thomas Southcott John

Humphreys John Endicott and Simond Whetcomb their Heires and Assignes and their Associates for ever to the only proper and absolute vse and behoofe of the said Sir Henry Roswell Sir [John[1]] Joung[2] Thomas Southcott John Humphryes John Endicott and Simond Whetcomb their Heires and Assignes and their Associates for evermore To be holden of Our said Royall Grandfather King Charles the first his Heires and Successors as of his Mannor of East Greenwich in the County of Kent in free and Comon Soccage and not in Capite nor by Knights Service Yeilding and paying therefore vnto Our said Royall Grandfather his Heires and Successors the fifth part of the Oar of Gold and Silver which should from time to time and at all times hereafter happen to be found gotten had & obteyned in any of the said Lands within the said Limitts or in or within any part thereof for and in satisfaccon of all manner of duties demands and services whatsoever to be done made or paid to Our said Royall Grandfather his Heires or Successors (as in and by the said recited Indenture may more at large appeare And Whereas Our said Royall Grandfather in and by his Letters Patents vnder the Greate Seale of England bearing date at Westminster the Fourth Day of March in the Fourth yeare of his Reigne for the Consideracon therein menconed did grant and confirme vnto the said Sir Henry Roswell Sir John Young Thomas Southcott John Humphreys John Endicott and Simond Whetcomb and to their Associates after named (vizt) Sir Ralph[2] Saltenstall Kn^t Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuell Vassall Theophilus Eaton Thomas Golfe[2] Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires and Assignes All the said part of New England in America lying and extending betweene the bounds and limitts in the said Indenture expressed and all Lands and Grounds Place and Places Soiles Woods and Wood Grounds Havens Ports Rivers Waters Mines Mineralls Jurisdiccons Rights Royalties Liberties Freedomes Imunities Priviledges Franchises Preheminences and Hereditaments whatsoever bargained sold enffeoffed and Confirmed or menconed or intended to be given granted bargained sold enffeoffed aliend and confirmed to them the said Sir Henry Roswell Sir John Young Thomas Southcott John Humphreys John Endicott and Simond

— paying, &c.

That King Charles I by letters patents confirmed to Sir Henry Roswell and others

— all those lands before granted to them by the Council at Plymouth,

[1] Omitted in the original. [2] *Sic.*

Whetcomb their Heires and Assignes and to their Associates for ever by the said recited Indentu[r]e **To have** and to hold the said part of New England in America and other the Premisses thereby menc̃oned to be granted and confirmed and every parte and parcell thereof with the appurtenances to the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphreys John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniel Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires and Assignes for ever to their own proper and absolute vse and behoofe for evermore **To** be holden of Our said Royall Grandfather his Heires and Successors as of his Mannor of East Greenwich aforesaid in free and com̃on Soccage and not in Capite nor by Knights Service and alsoe yeilding and paying therefore to Our said Royall Grandfather his Heires and Successors the fifth part only of all the Oar of Gold and Silver which from time to time and at all times after should be there gotten had or obteyned for all Services Exacc̃ons and Demands whatsoever according to the tenour and Reservac̃on in the said recited Indenture expressed **And further** Our said Royall Grandfather by the said Letters Patents did Give and Grant vnto the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphreys John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Encrease Nowell Richard Perrey Richard Bellingham Nathaniel Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hut[c]hins William Vassall William Pincheon and George Foxcroft their Heires and Assignes All that part of New England in America which lyes and extends betweene a Greate River called Monomack ałs Merrimack River and a certaine other River there called Charles River being in the Bottom of a certaine Bay there com̃only called Massachusetts ałs Mattachusetts ałs Massatusetts Bay and alsoe all and singular those Lands and Hereditaments whatsoever lying within the space of Three English Miles on the South part of the said River called Charles River or of any or every part thereof and alsoe all and singuler the Lands and Hereditaments whatsoever lying and being within the space of Three English Miles to the —by certain

bounds and descriptions,

Southward of the Southermost part of the said Bay called Massachusetts als Mattachusetts als Massatusetts Bay And alsoe all those Lands and Hereditaments whatsoever which lye and bee within the space of Three English Miles to the Northward of the said River called Monomack als Merrimack or to the Northward of any and every parte thereof And all Lands and Hereditaments whatsoever lyeing within the limitts aforesaid North and South in Latitude and [in] Breadth and in length and Longitude of and within all the Breadth aforesaid throughout the Main Lands there from the Atlantick or Western Sea and Ocean on the East parte to the South Sea on the West parte And all Lands Grounds Place and Places Soils Wood and Wood Lands Havens Ports Rivers Waters and Hereditaments whatsoever lying within the said bounds and limitts and every part and parcell thereof And alsoe all Islands in America aforesaid in the said Seas or either of them on the Western or Eastern Coasts or partes of the said Tracts of Lands thereby mencõned to be given and granted or any of them And all Mines and Mineralls aswell Royall Mines of Gold and Silver as other Mines and Mineralls whatsoever in the said Lands and premisses or any parte thereof and free Libertie of Fishing in or within any of the Rivers and Waters within the bounds and limitts aforesaid and the Seas thereunto adjoyning and of all Fishes Royall Fishes Whales Balene Sturgeon and other Fishes of what kind or nature soever that should at any time thereafter be taken in or within the said Seas or Waters or any of them by the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphryes John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perrey Richard Bellingham Nathaniel Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires or Assignes or by any other person or persons whatsoever there Inhabiting by them or any of them to be appointed to Fish therein **Provided** alwayes that if the said Lands Islands or any the premisses before mencõned and by the said Letters Patents last mencõned intended and meant to be granted were at the time of granting of the said former Letters Patents dated the Third Day of November in the Eighteenth yeare of the Reigne of his late Majesty King James the First actually possessed or inhabited by any other Christian Prince or State or were

— provided they do not intrench on any former possessions or rights,

within the bounds Limitts or Territories of the said Southern Collony then before granted by the said King to be planted by divers of his Loveing Subjects in the South parts of America That then the said Grant of our said Royall Grandfather should not extend to any such parts or parcells thereof soe formerly inhabited or lying within the bounds of the Southern Plantac̃on as aforesaid but as to those parts or parcells soe possessed or inhabited by any such Christian Prince or State or being within the boundaries afor*or*esaid should be vtterly void **To have** and to hold possesse and enjoy the said parts of New England in America which lye extend and are abutted as aforesaid and every part and parcell thereof and all the Islands Rivers Ports Havens Waters Fishings Fishes Mines Mineralls Jurisdicc̃ons Franchises Royalties Riverties[1] Priviledges Com̃odities and premisses whatsoever with the Appurtenances vnto the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphreys John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires and Assignes for ever To the only proper and absolute vse and behoofe of the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphryes John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires and Assignes for evermore **To** be holden of Our said Royall Grandfather his Heires and Successors as of his Mannor of East Greenwich in the County of Kent within the Realme of England in free and Com̃on Soccage and not in Capite nor by Knights Service And alsoe yeilding and paying therefore to Our said Royall Grandfather his Heires and Successors the Fifth part only of all the Oar of Gold and Silver which from time to time and at all times thereafter should be gotten had and obteyned for all services Exac̃ons and demands whatsoever **Provided** alwayes and his Majesties expresse Will and meaning was that only one

— to hold in fee:

— paying, &c.

[1] Liberties.

Fifth parte of all the Gold and Silver Oar above mencõned in the whole and no more should be answered reserved and payable vnto Our said Royall Grandfather his Heires and Successors by colour or vertue of the said last mencõned Letters Patents the double reservacõns or recitalls aforesaid or any thing therein conteyned notwithstanding And to the end that the affaires and buisnesse which from time to time should happen and arise concerning the said Lands and the Plantacõns of the same might be the better mannaged and ordered and for the good Government thereof Our said Royall Grandfather King Charles the First did by his said Letters Patents Create and make the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphreys John Endicott Symond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuell Vassall and Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft and all such others as should thereafter be admitted and made free of the Company and Society therein after mencõned one Body Politique and Corporate in fact and name by the Name of the Governour and Company of the Massachusetts Bay in New England and did grant vnto them and their Successors divers powers Liberties and Priviledges as in and by the said Letters Patents may more fully and at large appeare And whereas the said Governour and Company of the Massachusetts Bay in New England by vertue of the said Letters Patents did settle a Collony of the English in the said parts of America and divers good Subjects of this Kingdome incouraged and invited by the said Letters Patents did Transport themselves and their Effects into the same whereby the said Plantacõn did become very populous and divers Counties Townes and Places were created erected made setforth or designed within the said parts of America by the said Governour and Company for the time being And Whereas in the Terme of the holy Trinity in the Thirty Sixth yeare of the Reigne of Our dearest Vncle King Charles the Second a judgment was given in Our Court of Chancery then sitting at Westminster vpon a Writt of Scire Facias brought and prosecuted in the said Court against the Governour and Company of the Massachusetts Bay in New England that the said Letters Patents of Our said Royall Grandfather King Charles the First bearing date at Westminster the Fourth day of

And made them a body politic.

Whereupon they settled a colony, and it became very populous.

The first Charter vacated by a judgment in chancery, anno 1684.

March in the Fourth yeare of his Reigne made and granted to the said Governour and Company of the Massachusetts Bay in New England and the Enrollment of the same should be cancelled vacated and annihilated and should be brought into the said Court to be cancelled (as in and by the said Judgment remaining vpon Record in the said Court doth more at large appeare) And whereas severall persons employed as Agents in behalfe of Our said Collony of the Massachusetts Bay in New England have made their humble application vnto Vs that Wee would be graciously pleased by Our Royall Charter to Incorporate Our Subjects in Our said Collony and to grant and confirme vnto them such powers priviledges and Franchises as [in] Our Royall Wisdome should be thought most conduceing to Our Interest and Service and to the Welfare and happy State of Our Subjects in New England and Wee being graciously pleased to gratifie Our said Subjects And alsoe to the end Our good Subjects within Our Collony of New Plymouth in New England aforesaid may be brought vnder such a forme of Government as may put them in a better Condicõn of defence and considering aswell the granting vnto them as vnto Our Subjects in the said Collony of the Massachusetts Bay Our Royall Charter with reasonable Powers and Priviledges will much tend not only to the safety but to the Flourishing estate of Our Subjects in the said parts of New England and alsoe to the advanceing of the ends for which the said Plantacõns were at first encouraged of Our especiall Grace certaine knowledge and meer Mocõn have willed and ordeyned and Wee doe by these presents for Vs Our Heires and Successors Will and Ordeyne that the Territories and Collonyes comonly called or known by the Names of the Collony of the Massachusetts Bay and Collony of New Plymouth the Province of Main the Territorie called Accadia or Nova Scotia and all that Tract of Land lying betweene the said Territori*tori*es of Nova Scotia and the said Province of Main be Erected Vnited and Incorporated And Wee doe by these presents Vnite Erect and Incorporate the same into one reall Province by the Name of Our Province of the Massachusetts Bay in New England And of Our especial Grace certaine knowledge and meer mocõn Wee have given and granted and by these presents for Vs Our Heires and Successors doe give and grant vnto Our good Subjects the Inhabitants of Our said Province or Territory of the Massachusetts Bay and their Successors all that parte of New England in America lying and extending from the greate River comonly called

The Agents of that Colony petitioned to be re-incorporated as formerly.

The Massachusetts, Plymouth, the Province of Maine, and Nova Scotia are united and made one Province.

The extent and bounds of that Province.

Monomack ałs Merrimack on the Northpart and from three Miles Northward of the said River to the Atlantick or Western Sea or Ocean on the South part And all the Lands and Hereditaments whatsoever lying within the limitts aforesaid and extending as farr as the Outermost Points or Promontories of Land called Cape Cod and Cape Mallabar North and South and in Latitude Breadth and in Length and Longitude of and within all the Breadth and Compass aforesaid throughout the Main Land there from the said Atlantick or Western Sea and Ocean on the East parte towards the South Sea or Westward as far as Our Collonyes of Rhode Island Connecticutt and the Marragansett[1] Countrey all[2] alsoe all that part or porcõn of Main Land beginning at the Entrance of Pescata way Harbour and soe to pass vpp the same into the River of Newickewannock and through the same into the furthest head thereof and from thence Northwestward till One Hundred and Twenty Miles be finished and from Piscata way Harbour mouth aforesaid North-Eastward along the Sea Coast to Sagadehock and from the Period of One Hundred and Twenty Miles aforesaid to crosse over Land to the One Hundred and Twenty Miles before reckoned vp into the Land from Piscataway Harbour through Newickawannock River and alsoe the North halfe of the Isles and[2] Shoales together with the Isles of Cappawock and Nantukett near Cape Cod aforesaid and alsoe [all[3]] Lands and Hereditaments lying and being in the Countrey and Territory comonly called Accadia or Nova Scotia And all those Lands and Hereditaments lying and extending betweene the said Countrey or Territory of Nova Scotia and the said River of Sagadahock or any part thereof And all Lands Grounds Places Soiles Woods and Wood grounds Havens Ports Rivers Waters and other Hereditaments and premisses whatsoever lying within the said bounds and limitts aforesaid and every part and parcell thereof and alsoe all Islands and Isletts lying within tenn Leagues directly opposite to the Main Land within the said bounds and all Mines and Mineralls aswell Royall Mines of Gold and Silver as other Mines and Mineralls whatsoever in the said Lands and premisses or any parte thereof To have and to hold the said Territories Tracts Countreys Lands Hereditaments and all and singular other the premisses with their and every of their Appurtences[2] to Our said

All mines and minerals granted to the inhabitants and their successors.

[1] Narragansett. [2] *Sic.*

[3] In printed copies this is "the," but the omission in the original seems better supplied as above.

Subjects the Inhabitants of Our said Province of the Massachusetts Bay in New England and their Successors to their only proper vse and behoofe for evermore To be holden of Vs Our Heires and Successors as of Our Mannor of East Greenwich in the County of Kent by Fealty only in free and Comon Soccage yeilding and paying therefore yearly to Vs Our Heires and Successors the Fifth part of all Gold and Silver Oar and pretious Stones which shall from time to time and at all times hereafter happen to be found gotten had and obteyned in any of the said Lands and premisses or within any part thereof Provided nevertheless and Wee doe for Vs Our Heires and Successors Grant and ordeyne that all and every such Lands Tenements and Hereditaments and all other estates which any person or persons or Bodyes Politique or Corporate Townes Villages Colledges or Schooles doe hold and enjoy or ought to hold and enjoy within the bounds aforesaid by or vnder any Grant or estate duely made or granted by any Generall Court formerly held or by vertue of the Letters Patents herein before recited or by any other lawfull Right or Title whatsoever shall be by such person and persons Bodyes Politique and Corporate Townes Villages Colledges or Schooles their respective Heires Successors and Assignes for ever hereafter held and enjoyed according to the purport and Intent of such respective Grant vnder and Subject neverthelesse to the Rents and Services thereby reserved or made payable any matter or thing whatsoever to the contrary notwithstanding And Provided alsoe that nothing herein conteyned shall extend or be vnderstood or taken to impeach or prejudice any right title Interest or demand which Samuell Allen of London Merchant claiming from and vnder John Mason Esqr deceased or any other person or persons hath or have or claimeth to have hold or enjoy of in to or out of any part or parts of the premisses scituate within the limitts above mencõned But that the said Samuel Allen and all and every such person and persons may and shall have hold and enjoy the same in such manner (and no other then) as if these presents had not been had or made It being Our further Will and Pleasure that no Grants or Conveyances of any Lands Tenements or Hereditaments to any Townes Colledges Schooles of Learning or to any private person or persons shall be judged or taken to be avoided or prejudiced for or by reason of any want or defect of Form but that the same stand and remaine in force and be mainteyned adjudged and have effect in the same manner as the same should or ought before the time of

All lands, hereditaments, &c., formerly granted to any town, college, or school of learning confirmed,

—saving Samuel Allen's claim.

Grants or conveyances of said lands, hereditaments, are not prejudiced for want of form.

the said recited Judgment according to the Laws and Rules then and there vsually practised and allowed And Wee doe further for Vs Our Heires and Successors Will Establish and ordeyne that from henceforth for ever there shall be one Governour One Leivten[t] or Deputy Governour and One Secretary of Our said Province or Territory to be from time to time appointed and Commissionated by Vs Our Heires and Successors and Eight and Twenty Assistants or Councillors to be advising and assisting to the Governour of Our said Province or Territory for the time being as by these presents is hereafter directed and appointed which said Councillors or Assistants are to be Constituted Elected and Chosen in such forme and manner as hereafter in these presents is expressed And for the better Execucõn of Our Royall Pleasure and Grant in this behalfe Wee doe by these presents for Vs Our Heires and Successors Nominate Ordeyne make and Constitute Our Trusty and Welbeloved Simon Broadstreet John Richards Nathaniel Saltenstall Wait Winthrop John Phillipps James Russell Samuell Sewall Samuel Appleton Barthilomew Gedney John Hawthorn Elisha Hutchinson Robert Pike Jonathan Curwin John Jolliffe Adam Winthrop Richard Middlecot John Foster Peter Serjeant Joseph Lynd Samuell Hayman Stephen Mason Thomas Hinckley William Bradford John Walley Barnabas Lothrop Job Alcott Samuell Daniell and Silvanus Davis Esquiers the first and present Councillors or Assistants of Our said Province to continue in their said respective Offices or Trusts of Councillors or Assistants vntill the last Wednesday in May which shall be in the yeare of Our Lord One Thousand Six Hundred Ninety and Three and vntill other Councillors or Assistants shall be chosen and appointed in their stead in such manner as in these presents is expressed **And Wee** doe further by these presents Constitute and appoint Our Trusty and Welbeloved Isaac Addington Esquier to be Our first and present Secretary of Our said Province during Our Pleasure **And Our** Will and Pleasure is that the Governour of Our said Province from[1] the time being shall have Authority from time to time at his discretion to assemble and call together the Councillors or Assistants of Our said Province for the time being and that the said Governour with the said Assistants or Councillors or Seaven of them at the least shall and may from time to time hold and keep a Councill for the ordering and directing the Affaires of Our said Province **And further** Wee Will and by these

A Governor and Lieutenant or Deputy-Governor and a Secretary to be appointed by the king. Twenty-eight Councillors to be chosen as hereinafter expressed.

Names of the first Councillors or Assistants;

— to continue in office until the last Wednesday in May, 1693, and until others are chosen by the Assembly.

Isaac Addington appointed first Secretary.

The Governor may assemble the Councillors, and with seven hold a Council.

A General Court to be held on the last Wednesday in May annually, or oftener.

[1] *Sic* in the original, but "for" in the printed copies.

presents for Vs Our Heires and Successors doe ordeyne and Grant that there shall and may be convened held and kept by the Governour for the time being vpon every last Wednesday in the Moneth of May every yeare for ever and at all such other times as the Governour of Our said Province shall think fitt and appoint a great and Generall Court of Assembly Which said Great and Generall Court of Assembly shall consist of the Governour and Councill or Assistants for the time being and of such Freeholders of Our said Province or Territory as shall be from time to time elected or deputed by the Major parte of the Freeholders and other Inhabitants of the respective Townes or Places who shall be present at such Elecc̃ons Each of the said Townes and Places being hereby impowered to Elect and Depute Two Persons and noe more to serve for and represent them respectively in the said Great and Generall Court or Assembly To which Great and Generall Court or Assembly to be held as aforesaid Wee doe hereby for Vs Our Heires and Successors give and grant full power and authority from time to time to direct appoint and declare what Number each County Towne and Place shall Elect and Depute to serve for and represent them respectively in the said Great and Generall Court or Assembly **Provided** alwayes that noe Freeholder or other Person shall have a Vote in the Elecc̃on of Members to serve in any Greate and Generall Court or Assembly to be held as aforesaid who at the time of such Elecc̃on shall not have an estate of Freehold in Land within Our said Province or Territory to the value of Forty Shillings per Annũ at the least or other estate to the value of Forty pounds Sterl' And that every Person who shall be soe elected shall before he sitt or Act in the said Great and Generall Court or Assembly take the Oaths menc̃oned in an Act of Parliament made in the first yeare of Our Reigne Entituled an Act for abrogateing of the Oaths of Allegiance and Supremacy and appointing other Oaths and thereby appointed to be taken instead of the Oaths of Allegiance and Supremacy and shall make Repeat and Subscribe the Declarac̃on menc̃oned in the said Act before the Governour and Leivten^t or Deputy Governour or any two of the Assistants for the time being who shall be therevnto authorized and Appointed by Our said Governour and that the Governour for the time being shall have full power and Authority from time to time as he shall Judge necessary to adjourne Prorogue and dissolve all Great and Generall Courts or Assemblyes met and convened as aforesaid And Our

—to consist of the Governor, Council, and such freeholders as shall be elected to represent the respective towns.

Each town may elect two.

Qualification of the electors.

Oaths to be taken, &c., by the Representatives.

The Governor to adjourn, prorogue, and dissolve the General Court.

The Councillors to be chosen yearly, and their qualification.

Vacancies in the Council, how filled.

Judges, sheriffs, justices, &c., to be appointed by the Governor, with the advice and consent of the Council;

—and the Council to be notified.

Oaths to be taken by all public officers appointed.

Will and Pleasure is and Wee doe hereby for Vs Our Heires and Successors Grant Establish and Ordeyne that yearly once in every yeare for ever hereafter the aforesaid Number of Eight and Twenty Councillors or Assistants shall be by the Generall Court or Assembly newly chosen that is to say Eighteen at least of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Collony of the Massachusetts Bay and four at the least of the Inhabitants of or Proprietors of Lands within the Territory formerly called New Plymouth and three at the least of the Inhabitants of or Proprietors of Land within the Territory formerly called the Province of Main and one at the least of the Inhabitants of or Proprietors of Land within the Territory lying between the River of Sagadahoc and Nova Scotia And that the said Councillors or Assistants or any of them shall or may at any time hereafter be removed or displaced from their respective Places or Trust of Councillors or Assistants by any Great or Generall Court or Assembly And that if any of the said Councillors or Assistants shall happen to dye or be removed as aforesaid before the Generall day of Elecc̃on That then and in every such Case the Great and Generall Court or Assembly at their first sitting may proceed to a New Elecc̃on of one or more Councillors or Assistants in the roome or place of such Councillors or Assistants soe dying or removed And Wee doe further Grant and Ordeyne that it shall and may be lawfull for the said Governour with the advice and consent of the Councill or Assistants from time to time to nominate and appoint Judges Commissioners of Oyer and Terminer Sheriffs Provosts Marshalls Justices of the Peace and other Officers to Our Councill and Courts of Justice belonging **Provided** alwayes that noe such Nominac̃on or Appointment of Officers be made without notice first given or sum̃ons yssued out seaven dayes before such Nominac̃on or Appointment vnto such of the said Councillors or Assistants as shall be at that time resideing within Our said Province **And Our** Will and Pleasure is that the Governour and Leivten^t^ or Deputy Governour and Councillors or Assistants for the time being and all other Officers to be appointed or Chosen as aforesaid shall before the Vndertakeing the Execuc̃on of their Offices and Places respectively take their severall and respective Oaths for the due and faithfull performance of their duties in their severall and respective Offices and Places and alsoe the Oaths appointed by the said Act of Parliament made in the first yeare of Our Reigne to be taken

instead of the Oaths of Allegiance and Supremacy and shall make repeate and subscribe the Declaracõn menõned in the said Act before such Person or Persons as are by these presents herein after appointed (that is to say) The Governour of Our said Province or Territory for the time being shall take the said Oaths and make repeate and subscribe the said Decleracõn before the Leivtent or Deputy Governour or in his absence before any two or more of the said Persons hereby Nominated and appointed the present Councillors or Assistants of Our said Province or Territory to whom Wee doe by these presents give full power and Authority to give and administer the same to Our said Governour accordingly and after Our said Governour shall be sworn and shall have subscribed the sd Declaracõn that then Our Leivtent or Deputy Governour for the time being and the Councillors or Assistants before by these presents Nominated and appointed shall take the said Oaths and make repeat and subscribe the said Declaracõn before Our said Governour and that every such person or persons as shall (at any time of the Annuall Eleccõns or otherwise vpon death or removeall) be appointed to be the New Councillors or Assistants and all other Officers to bee hereafter chosen from time to time shall take the Oaths to their respective Offices and places belonging and alsoe the said Oaths appointed by the said Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and shall make repeate and subscribe the declaracõn menõned in the said Act before the Governour or Leivtent or Deputy Governour or any two or mor Councillors or Assistants or such other Person or Persons as shall be appointed thereunto by the Governour for the time being to whom Wee doe therefore by these presents give full power and authority from time to time to give and administer the same respectively according to Our true meaning herein before declared without any Comission or further Warrant to bee had and obteyned from vs Our Heires and Successors in that behalfe And Our Will and Pleasure is and Wee doe hereby require and Comand that all and every person and persons hereafter by Vs Our Heires and Successors nominated and appointed to the respective Offices of Governour or Leivt or Deputy Governour and Secretary of Our said Province or Territory (which said Governour or Lievt or Deputy Governour and Secretary of Our said Province or Territory for the time being Wee doe hereby reserve full power and Authority to Vs Our Heires and Successors to Nominate and appoint accord-

Before whom to be taken.

King reserves power to appoint the Governor, Deputy-Governor, and Secretary.

ingly shall before he or they be admitted to the Execucõn of their respective Offices take aswell the Oath for the due and faithfull performance of the said Offices respectively as alsoe the Oaths appointed by the said Act of Parliament made in the said First yeare of Our Reigne to be taken instead of the said Oaths of Allegiance and Supremacy and shall alsoe make repeate and subscribe the Declaracõn appointed by the said Act in such manner and before such persons as aforesaid **And further** Our Will and Pleasure is and Wee doe hereby for Vs Our Heires and Successors Grant Establish and Ordaine That all and every of the Subjects of Vs Our Heires and Successors which shall goe to and Inhabit within Our said Province and Territory and every of their Children which shall happen to be born there or on the Seas in goeing thither or returning from thence shall have and enjoy all Libertyes and Immunities of Free and naturall Subjects within any of the Dominions of Vs Our Heires and Successors to all Intents Construccõns and purposes whatsoever as if they and every of them were borne within this Our **Realme** of England and for the greater Ease and Encouragement of Our Loveing Subjects Inhabiting our said Province or Territory of the Massachusetts Bay and of such as shall come to Inhabit there Wee doe by these presents for vs Our heires and Successors Grant Establish and Ordaine that for ever hereafter there shall be a liberty of Conscience allowed in the Worshipp of God to all Christians (Except Papists) Inhabiting or which shall Inhabit or be Resident within our said Province or Territory **And** Wee doe hereby Grant and Ordaine that the Gouernor or leiveten^t or Deputy Gouernor of our said Province or Territory for the time being or either of them or any two or more of the Councill or Assistants for the time being as shall be thereunto appointed by the said Gouernor shall and may at all times and from time to time hereafter have full Power and Authority to Administer and give the Oathes appointed by the said Act of Parliament made in the first yeare of Our Reigne to be taken instead of the Oathes of Allegiance and Supremacy to all and every person and persons which are now Inhabiting or resideing within our said Province or Territory or which shall at any time or times hereafter goe or passe thither And wee doe of our further Grace certaine knowledge and meer mocõn Grant Establish and Ordaine for Vs our heires and Successors that the great and Generall Court or Assembly of our said Province or Territory for the time being Convened as aforesaid shall for ever have full Power and

Persons born in New England to have the privileges of natural subjects of England.

Liberty of conscience granted to all Christians except Papists.

Governor, &c., to administer the oaths appointed to the inhabitants.

The General Court empowered to erect judicatories and courts of record, &c.

Authority to Erect and Constitute Judicatories and Courts of Record or other Courts to be held in the name of Vs Our heires and Successors for the Hearing Trying and Determining of all manner of Crimes Offences Pleas Processes Plaints Accõns Matters Causes and things whatsoever ariseing or happening within Our said Province or Territory or between persons Inhabiting or resideing there whether the same be Criminall or Civill and whether the said Crimes be Capitall or not Capitall and whether the said Pleas be Reall personall or mixt and for the awarding and makeing out of Execution thereupon To which Courts and Judicatories wee doe hereby for vs our heirs and Successors Give and Grant full power and Authority from time to time to Administer oathes for the better Discovery of Truth in any matter in Controversy or depending before them **And** wee doe for vs Our Heires and Successors Grant Establish and Ordaine that the Gouernor of our said Province or Territory for the time being with the Councill or Assistants may doe execute or performe all that is necessary for the Probate of Wills and Granting of Administracõns for touching or concerning any Interest or Estate which any person or persons shall have within our said Province or Territory **And whereas** Wee judge it necessary that all our Subjects should have liberty to Appeale to vs our heires and Successors in Cases that may deserve the same Wee doe by these presents Ordaine that incase either party shall not rest satisfied with the Judgement or Sentence of any Judicatories or Courts within our said Province or Territory in any Personall Accõn wherein the matter in difference doth exceed the value of three hundred Pounds Sterling that then he or they may appeale to vs Our heires and Successors in our or their Privy Councill Provided such Appeale be made within Fourteen dayes after ye Sentence or Judgement given and that before such Appeale be allowed Security be given by the party or parties appealing in the value of the matter in Difference to pay or Answer the Debt or Damages for the which Judgement or Sentence is given With such Costs and Damages as shall be Awarded by vs Our Heires or Successors incase the Judgement or Sentence be affirmed **And Provided** alsoe that no Execution shall be stayd or suspended by reason of such Appeale vnto vs our Heires and Successors in our or their Privy Councill soe as the party Sueing or takeing out Execution doe in the like manner give Security to the value of the matter in difference to make Restitucion in Case the said Judgement

Governor, with the Council, shall have the probate of wills and granting administrations.

Appeals to the king in some personal actions,

—provided no execution shall be stayed by reason of such appeal.

The General Court empowered to make laws not repugnant to the laws of England,

or Sentence be reversed or annul'd vpon the said Appeale And we doe further for vs our Heires and Successors Give and Grant to the said Governor and the great and Generall Court or Assembly of our said Province or Territory for the time being full power and Authority from time to time to make ordaine and establish all manner of wholsome and reasonable Orders Laws Statutes and Ordinances Directions and Instructions either with penalties or without (soe as the same be not repugnant or contrary to the Lawes of this our Realme of England) as they shall Judge to be for the good and welfare of our said Province or Territory And for the Gouernment and Ordering thereof and of the People Inhabiting or who shall Inhabit the same and for the necessary support and Defence of the Government thereof And wee doe for vs our Heires and Successors Giue and grant that the said Generall Court or Assembly shall have full power and Authority to name and settle Annually all Civill Officers within the said Province such Officers Excepted the Election and Constitution of whome wee have by these presents reserved to vs Our Heires and Successors or to the Governor of our said Province for the time being and to Settforth the severall Duties Powers and Lymitts of every such Officer to be appointed by the said Generall Court or Assembly and the formes of such Oathes not repugnant to the Lawes and Statutes of this our Realme of England as shall be respectiuely Administred vnto them for the Execution of their severall Offices and places And alsoe to impose Fines mulcts Imprisonments and other Punishments And to Impose and leavy proportionable and reasonable Assessments Rates and Taxes vpon the Estates and Persons of all and every the Proprietors and Inhabitants of our said Province or Territory to be Issued and disposed of by Warrant vnder the hand of the Governor of our said Province for the time being with the advice and Consent of the Councill for Our service in the necessary defence and support of our Government of our said Province or Territory and the Protection and Preservation of the Inhabitants there according to such Acts as are or shall be in force within our said Province and to dispose of matters and things whereby our Subjects inhabitants of our said Province may be Religiously peaceably and Civilly Governed Protected and Defended soe as their good life and orderly Conversation may win the Indians Natives of the Country to the knowledge and obedience of the onely true God and Saviour of Mankinde and the Christian Faith which his Royall Majestie our

— and to name and settle civil officers, except, &c.,

— and to define their duties, &c.

To impose fines, &c., and taxes to be issued and disposed of by warrant from the Governor and Council.

To promote religion and good order and the conversion of the Indians,

Royall Grandfather king Charles the first in his said Letters Patents declared was his Royall Intentions And the Adventurers free Possession[1] to be the Princepall end of the said Plantation And for the better secureing and maintaining Liberty of Conscience hereby granted to all persons at any time being and resideing within our said Province or Territory as aforesaid **Willing** Comanding and Requireimg[2] and by these presents for vs Our heires and Successors Ordaining and appointing that all such Orders Lawes Statutes and Ordinances Instructions and Directions as shall be soe made and published vnder our Seale of our said Province or Territory shall be Carefully and duely observed kept and performed and put in Execution according to the true intent and meaning of these presents **Provided** alwaies and Wee doe by these presents for vs Our Heires and Successors Establish and Ordaine that in the frameing and passing of all such Orders Laws Statutes and Ordinances and in all Elections and Acts of Government whatsoever to be passed made or done by the said Generall Court or Assembly or in Councill the Governor of our said Province or Territory of the Massachusetts Bay in New England for the time being shall have the Negative voice and that without his consent or Approbation signified and declared in Writeing no such Orders Laws Statutes Ordinances Elections or other Acts of Government whatsoever soe to be made passed or done by the said Generall Assembly or in Councill shall be of any Force effect or validity anythimg[2] herein contained to the contrary in anywise notwithstanding **And** wee doe for vs Our Heires and Successors Establish and Ordaine that the said Orders Laws Statutes and Ordinances be by the first opportunity after the makeing thereof sent or Transmitted vnto vs Our Heires and Successors vnder the Publique Seale to be appointed by vs for Our or their approbation or Disallowance And that incase all or any of them shall at any time within the space of three yeares next after the same shall have been presented to vs our Heires and Successors in Our or their Privy Councill be disallowed and reiected and soe signified by vs Our Heires and Successors vnder our or their Signe Manuall and Signett or by or in our or their Privy Councill vnto the Governor for the time being then such and soe many of them as shall be soe disallowed and riected[3] shall thenceforth cease and determine and become vtterly void and of none effect **Provided** alwais that incase Wee our Heires or Successors

— which was declared by King Charles to be his intentions, and the adventurers free profession to be the principal end of the plantation, together with liberty of conscience.

Willing and commanding obedience to the laws of the Province,

— provided the Governor shall have the negative voice in all elections and acts of government.

Laws to be sent to England by the first opportunity for the royal approbation or disallowance.

If disallowed within three years after presentation to Privy Council to be void.

If not disallowed as aforesaid to be in force until repealed by the General Assembly.

[1] profession. [2] *Sic.* [3] rejected.

shall not within the Terme of Three Yeares after the presenting of such Orders Lawes Statutes or Ordinances as aforesaid signifie our or their Disallowance of the same Then the said orders Lawes Statutes or Ordinances shall be and continue in full force and effect according to the true Intent and meaneing of the same vntill the Expiracon thereof or that the same shall be Repealed by the Generall Assembly of our said province for the time being **Provided** alsoe that it shall and may be Lawfull for the said Governor and Generall Assembly to make or passe any Grant of Lands lying within the Bounds of the Colonys formerly called the Collonys of the Massachusetts Bay and New Plymouth and province of Main in such manner as heretofore they might have done by vertue of any former Charter or Letters Patents which grants of lands within the Bounds aforesaid Wee doe hereby Will and ordaine to be and continue for ever of full force and effect without our further Approbation or Consent **And** soe as Neverthelesse and it is Our Royall Will and Pleasure That noe Grant or Grants of any Lands lying or extending from the River of Sagadehock to the Gulph of St Lawrence and Canada Rivers and to the Main Sea Northward and Eastward to be made or past by the Governor and Generall Assembly of our said Province be of any force validity or Effect vntill Wee Our Heires and Successors shall have Signified Our or their Approbacõn of the same **And** Wee doe by these presents for vs Our Heires and Successors Grant Establish and Ordaine that the Governor of our said Province or Territory for the time being shall have full Power by himselfe or by any Cheif Comander or other Officer or Officers to be appointed by him from time to time to traine instruct Exercise and Governe the Militia there and for the speciall Defence and Safety of Our said Province or Territory to assemble in Martiall Array and put in Warlike posture the Inhabitants of Our said Province or Territory and to lead and Conduct them and with them to Encounter Expulse Repell Resist and pursue by force of Armes aswell by Sea as by Land within or without the limitts of Our said Province or Territory and alsoe to kill slay destroy and Conquer by all fitting wayes Enterprises and meanes whatsoever all and every such Person and Persons as shall at any time hereafter Attempt or Enterprize the destrucõn Invasion Detriment or Annoyance of Our said Province or Territory and to vse and exercise the Law Martiall in time of actuall Warr Invasion or Rebellion as occasion shall necessarily require and alsoe from time to time to

The General Court has power to grant land in Massachusetts, Plymouth, or the Province of Maine;

— but no grant north and east of the Sagadahock to be valid without the royal approbation.

The Governor to command the militia and to appoint necessary officers;

— to conduct forces by sea and land, within and without the Province;

— to use martial law in time of actual war;

Erect Forts and to fortifie any place or Places within Our said Province or Territory and the same to furnish with all necessary Amunicõn Provisions and Stores of Warr for Offence or Defence and to comitt from time to time the Custody and Government of the same to such Person or Persons as to him shall seem meet And the said Forts and Fortificacõns to demolish at his Pleasure and to take and surprise by all waies and meanes whatsoever all and every such Person or Persons with their Shipps Arms Ammunicõn and other goods as shall in a hostile manner Invade or attempt the Invading Conquering or Annoying of Our said Province or Territory

—to erect and demolish forts, &c.;

Provided alwayes and Wee doe by these presents for Vs Our Heires and Successors Grant Establish and Ordeyne That the said Governour shall not at any time hereafter by vertue of any power hereby granted or hereafter to be granted to him Transport any of the Inhabitants of Our said Province or Territory or oblige them to march out of the Limitts of the same without their Free and voluntary consent or the Consent of the Great and Generall Court or Assembly of Our said Province or Territory nor grant Comissions for exerciseing the Law Martiall vpon any the Inhabitants of Our said Province or Territory without the Advice and Consent of the Councill or Assistants of the same **Provided** in like manner and Wee doe by these presents for Vs Our Heires and Successors Constitute and Ordeyne that when and as often as the Governour of Our said Province for the time being shall happen to dye or be displaced by Vs Our Heires or Successors or be absent from his Government That then and in any of the said Cases the Leivtenant or Deputy Governour of Our said Province for the time being shall have full power and authority to doe and execute all and every such Acts Matters and things which Our Governour of Our said Province for the time being might or could by vertue of these Our Letter Patents lawfully doe or execute if he were personally present vntill the returne of the Governour soe absent or Arrivall or Constitucõn of such other Governour as shall or may be appointed by Vs Our Heires or Successors in his stead and that when and as often as the Governour and Lievtenant or Deputy Governour of Our said Province or Territory for the time being shall happen to dye or be displaced by Vs Our Heires or Successors or be absent from Our said Province and that there shall be no person within the said Province Comissionated by Vs Our Heires or Successors to be Governour within the same Then and in every

—provided he shall not transport any persons out of the Province without their own consent, &c.;

—nor exercise martial law upon the inhabitants without the advice and consent of the Council.

In case of the Governor's death, removal, or absence from his government, the Lieutenant Governor shall supply his place.

In case of the death, &c., of both Governor and Lieutenant Governor, the major part of the Council to act, &c.

of the said Cases the Councill or Assistants of Our said Province shall have full power and Authority and Wee doe hereby give and grant vnto the said Councill or Assistants of Our said Province for the time being or the Major parte of them full power and Authority to doe and execute all and every such Acts matters and things which the said Governour or Leivtenant or Deputy Governour of Our said Province or Territory for the time being might or could lawfully doe or exercise if they or either of them were personally present vntill the returne of the Governour Leivtenant or Deputy Governor soe Absent or Arrivall or Constitucõn of such other Governour or Leivtenant or Deputy Governour as shall or may be appointed by Vs Our Heires or Successors from time to time **Provided** alwaies and it is hereby declared that nothing herein shall extend or be taken to Erect or grant or allow the Exercise of any Admirall Court Jurisdiccõn Power or Authority but that the same shall be and is hereby reserved to Vs and Our Successors and shall from time to time be Erected Granted and exercised by vertue of Cõmissions to be yssued vnder the Great Seale of England or vnder the Seale of the High Admirall or the Cõmissioners for executing the Office of High Admirall of England **And further** Our expresse Will and Pleasure is And Wee doe by these presents for Vs Our Heires and Successors Ordaine and appoint that these Our Letters Patents shall not in any manner Enure or be taken to abridge bar or hinder any of Our loveing Subjects whatsoever to vse and exercise the Trade of Fishing vpon the Coasts of New England but that they and every of them shall have full and free power and Libertie to continue and vse their said Trade of Fishing vpon the said Coasts in any of the seas therevnto adjoyning or any Arms of the said Seas or Salt Water Rivers where they have been wont to fish and to build and set vpon the Lands within Our said Province or Collony lying wast and not then possesst by perticuler Proprietors such Wharfes Stages and Workhouses as shall be necessary for the salting drying keeping and packing of their Fish to be taken or gotten vpon that Coast And to Cutt down and take such Trees and other Materialls there growing or being vpon any parts or places lying wast and not then in possession of particular proprietors as shall be needfull for that purpose and for all other necessary easments helps and advantages concerning the Trade of Fishing there in such manner and forme as they have been heretofore at any time accustomed to doe without makeing any Wilfull Wast or Spoile any

Admiralty powers and jurisdiction reserved to the crown.

The fishing trade not to be abridged.

Liberty to fish on the coasts of New England continued,

— and to build wharves, stages, &c., on waste lands there for the curing and packing of fish,

— and to cut trees and take materials necessary for that purpose,

— as has heretofore been done.

hing in these presents conteyned to the contrary notwithstanding And lastly for the better provideing and furnishing of Masts for Our Royall Navy Wee doe hereby reserve to Vs Our Heires and Successors all Trees of the Diameter of Twenty Four Inches and vpwards of Twelve Inches from the ground growing vpon any soyle or Tract of Land within Our said Province or Territory not heretofore granted to any private persons And Wee doe restraine and forbid all persons whatsoever from felling cutting or destroying any such Trees without the Royall Lycence of Vs Our Heires and Successors first had and obteyned vpon penalty of Forfeiting One Hundred Pounds sterling vnto Ous Our Heires and Successors for every such Tree soe felled cutt or destroyed without such Lycence had and obteyned in that behalfe any thing in these presents conteyned to the contrary in any wise Notwithstanding In Witnesse whereof Wee have caused these our Letters to be made Patents Witnesse Ourselves att Westminster the Seaventh Day of October in the Third yeare of Our Reigne

Trees fit for masts, not growing upon soil granted to particular persons, to be preserved.

Penalty for felling such trees.

By Writt of Privy Seale

PIGOTT

Pro Fine in Hanaperio quadragint Marcas

J. Trevor *C. S.*
W. Rawlinson *C. S.*
G. Hutchins *C. S.*[1]

[1] Sir John Trevor, Sir William Rawlinson, and Sir George Hutchins were appointed Lords Commissioners of the Great Seal, 15 May, 1690; and were succeeded by Lord Somers as Chancellor, 3 May, 1693.

EXPLANATORY CHARTER

1725

George by the Grace of GOD of Great Britain France and Ireland king Defender of the Faith &c To all to whom these Presents shall come Greeting Whereas Our late Royal Predecessors William and Mary King and Queen of England &c Did by their letters Patents under their Great Seal of England bearing Date at Westminster the Seventh day of October in the Third year of their Reign for themselves their Heires and Successors Vnite Erect and Incorporate the Territories and Colonies commonly called or known by the Names of the Colony of the Massachusetts Bay and Colony of New Plymouth the Province of Main the Territory called Accada or Nova Scotia and all that Tract of land lying between the said Territorys of Nova Scotia and the said Province of Main into One Reall Province by the Name of Our Province of the Massachusetts Bay in New England And Whereas their said late Majesties King William and Queen Mary did by the said recited letters Patents (amongst other things therein contained) for themselves their Heires and Successors Ordain and Grant that there should and might be Convened held and kept by the Governor for the time being upon every last Wednesday in the Month of May every year forever and at all such other times as the Governor of their said Province should think fitt and Appoint a Great and Generall Court or Assembly which said Great and Generall Court or Assembly should Consist of the Governour and Council or Assistants for the time being and of such Freeholders of their said Province or Territory as should be from time to time elected or deputed by the major part of the Freeholders and other Inhabitants of the respective Towns or places who should be present at such Elecc̃ons each of the said Towns and places being thereby impowered to Elect and Depute two Persons and no more to Serve for and

represent them respectively in the said Great and Generall Court or Assembly and that the Governor for the time being should have full Power and Authority from time to time as he should Judge necessary to adjourn Prorogue and Dissolve all Great and General Courts or Assemblies met and Convened as aforesaid And did thereby also for themselves their Heires and Successors Provide Establish and Ordain that in the Framing and Passing of all Orders laws Statutes and Ordinances and in all Elecc̃ons and Acts of Government whatsoever to be passed made or done by the said General Court or Assembly or in Council the Governor of the said Province or Territory of the Massachusetts Bay in New England for the time being should have the Negative Voice and that without his Consent or Approbac̃on Signified and Declared in writing no such Orders laws Statutes Ordinances Elecc̃ons or other Acts of Government whatsoever so to be made passed or done by the said General Assembly or in Council should be of any force Effect or Validity any thing therein contained to the contrary in any wise notwithstanding as in and by the said letters Patents (relac̃on being therevnto had) may more fully and at large appeare And Wherеas no Provision is made by the said recited letters Patents touching the Nominac̃on and Elecc̃on of a Speaker of the Representatives Assembled in any Great and Generall Court of Our said Province nor any particular Reservac̃on made of the Right of Vs Our Heires and Successors to approve or disapprove of such Speaker by the Governor of the said Province appointed or to be appointed by Vs or them for the time being And no power is Granted by the said recited letters Patents to the said House of Representatives to adjourn themselves for any time whatsoever by means whereof divers Doubts and Controversies have Arisen within Our said Province to the Interrupc̃on of the Publick Business thereof and the obstrucc̃on of Our Service Know Yee therefore that for removing the said Doubts and Controversies and preventing the like mischiefs for the future And also for the further Explanac̃on of the said recited letters Patents Wee of Our Especial Grace certain knowledge and meer moc̃on Have Granted Ordained and Appointed And by these Presents for Vs Our Heirs and Successors Do Will Grant Ordain and Appoint that for ever hereafter the Representatives Assembled in any Great or General Court of Our said Province to be hereafter Summoned shall upon the first day of their Assembling Elect a fit Person out of the said Representatives to be Speaker

Speaker to be approved or disapproved by written message.

of the House of Representatives in such General Court and that the Person so Elected shall from time to time be presented to the Governor of Our said Province for the time being or in his absence to the lieutenant Governor or Comander in Chief of Our said Province for the time being for his Approbacon to which Governor lieutenant Governor and Comander in Chief respectively Wee do hereby for Vs Our Heires and Successors Give full power and Authority to approve or disapprove of the Person so Elected and presented which approbacon or disapprobacon shall be Signifyed by him by Message in writing under his hand to the said House of Representatives And in Case such Governour lieutenant Governor or Comander in Chief shall disapprove of the Person so Elected and presented or the Person so Elected and presented being approved as aforesaid shall happen to dye or by sickness or otherwise be disabled from Officiating as Speaker in every such Case the said Representatives so Assembled shall forthwith Elect an other Person to be Speaker of the House of Representatives to be presented and approved or disapproved in manner as aforesaid and so from time to time as often as the Person so Elected and presented shall be disapproved of or happen to dye or become disabled as aforesaid

Representatives to adjourn themselves not exceeding two days without leave.

And Our further Will and Pleasure is and Wee do by these presents of Our more abundant Grace for Vs Our Heires and Successors Grant Ordain and Appoint that it shall and may be lawfull to and for the Representatives assembled in any Great or Generall Court of Our said Province for the time being for ever hereafter to Adjourn themselves from day to day (and if occasion shall require) for the space of two days but not for any longer time than for the space of two days without leave from the Governor or in his Absence [from] the lieutenant Governor or Comander in Chief of Our said Province for the time being first had and obtained in that behalfe any thing in the said recited letters Patents contained to the Contrary thereof in any wise Notwithstanding Provided always that nothing in these presents contained shall Extend or be Construed to Extend to revoke alter or prejudice the Power and Authority by the said recited letters Patents Granted to the Governor of the said Province for the time being to Adjourn Prorogue and Dissolve all Great and General Courts or Assemblies of Our said Province And Lastly Wee do by these presents for Vs Our Heires and Successors Grant that these Our letters Patents or the Enrollment or Exemplificacon thereof shall be in and by all

things good firm valid and Effectual in the law according to the true intent and meaning thereof notwithstanding the not rightly or fully reciting menc̃oning or describing the said recited letters Patents or the Date thereof or any other Omission Imperfec̃c̃on Defect matter Cause or thing whatsoever to the Contrary thereof in any wise notwithstanding In Witness whereof Wee have Caused these Our letters to be made Patents Witness William Archbishop of Canterbury and the rest of the Guardians and Justices of the Kingdom at Westminster the Six and twentieth day of August in the twelfth year of Our Reign

By Writ of Privy Seal

COCKS

[Endorsed:]
Massachusetts' Bay Explanatory Chre.
Vpetuity.

COCKS.

COMMISSIONS

OF THE

PRESIDENT OF THE COUNCIL FOR NEW ENGLAND

1685

OF THE

GOVERNOR OF THE TERRITORY AND DOMINION OF NEW ENGLAND

1686–1688

AND OF THE

GOVERNORS OF THE PROVINCE OF THE MASSACHUSETTS BAY

1691–1774

JOSEPH DUDLEY'S COMMISSION

AS

PRESIDENT OF THE COUNCIL FOR NEW ENGLAND

8 October, 1685[1]

James the Second by the Grace of God &c To all to Whome these Presents shall come *Greeting*

Whereas a Writt of *Scire facias* hath been issued out of our high Court of Chancery against the late Governor & Company of the Massachusetts Bay in New England Whereby the Government of that Colony & members thereof is now in our hands and Wee being minded to give all protecc̄on & Encouragement to our good subjects therein and to provide in the most effectuall manner that due & impartiall Justice may bee admistred in all cases Civill and Criminall and that all possible care may be taken for the just quiet & orderly government of the same know yee therefore that Wee by and with the advice of our Privy Councell have thought fitt to Erect & Constitute and by these p̄sents for us our heires & Successors do Erect constitute and apoint a President & Council to take care of all that our Territory & Dominion of New England in America cōonly called & knowne by the name of our Colony of the Massachusetts Bay and our Provinces of New

De Concessione Presidenti et Concilio in Nova Anglia

[1] This heading, as throughout the volume, is not a part of the Commission, having been inserted for convenience by the Editor. A short rule always separates the heading from the Commission.

Hampshire & Maine and the Narragansett Country otherwise called the Kings Province with all the Islands Rights and Members thereunto apperteyning and to Order rule & governe the same according to such methods & Regulacōns as are herein after specified & declared vntill our Cheif Governor shall arrive within our said Colonyes And for the better execucōn of our Royall pleasure in this behalfe Wee do hereby noīate & appoint our trusty & Welbeloved subject **Joseph Dudley** Esqr to be the first President of the said Councell and to continue in the said Office vntill we our Heires or Successors shall otherwise direct And Wee do likewise noīate & appoint our Trusty & welbeloved subjects Simon Bradstreet William Stoughton Peter Bulkley John Pinchon Robert Mason Richard Wharton Wait Winthorp Nathaniel Saltenstall Bartholomew Gidney Jonathan Trigg[1] John Usher Dudley Bradstreet John Hincks Francis Champernoon Edward Ting John Fitz Winthrop & Edward Randolph Esq^rs to be of our Councell within our said Territories & Colonies And that the said Joseph Dudley and every succeeding President of the said Councell shall & may nominate & appoint any one of the members of the said Councell for the time being to be his Deputy and to Preside in his absence And that the said President or his Deputy and any Seaven of the said Councell shalbe a Quorum and our expresse Will and pleasure is that no person shalbe admitted to sitt or have a vote in the said Councell vntill he hath taken the Oath of Allegiance and the Oath hereafter mencōned for the due & impartiall Execucōn of Justice & the faithfull discharge of the trust in them reposed which Oathes wee do hereby authorize & direct the said Simon Bradstreet William Staughton[1] Peter Bulkeley John Pinchon Robert Mason Richard Wharton Wait Winthrop Nathaniel Saltenstall Bartholomew Gidney Jonathan Ting[1] John Usher Dudley Bradhurst[1] John Hincks Henry[1] Champernon Edward Ting

[1] *Sic.*

John Fitz-Winthrop & Edward Randolph or any three of them first to administer vnto the said Joseph Dudley the First President and the said Joseph Dudley having first taken the said oaths Wee do Will authorize and require him and the President for the time being to administer the same from time to time to all & every other the members of our said Councell And wee do hereby will & require & Comand our said President & Councell and every of them to Whom this our pleasure shalbe made known that all excuses whatsoever sett apart they fail not to assemble & meet together at our Towne of Boston in New England assoon as may be within the space of Twenty dayes at the furthest next after the arrivall of this Our Comission at Our said Towne of Boston and there to cause this our Comission or letters Patents to be read before such of them as shall be there assembled together with the Exemplificacon of the Judgemt passed in high[1] Court of Chancery against the said late Governor & Company of the Massachusetts Bay And having duely first taken the said Oathes to proceed to choose noiate & appoint such Officers & servants as they shall fitt & necessary for Our service and also to appoint such other time & place for their future meetings as they or the major part of them whereof the president or his Deputy to be one shall thinke fitt & agree And our Will & Pleasure is that our said Councell shall from time to time have & vse such Seal only for the Sealing their Acts and Orders & Proceedings as shall be appointed by vs our heires & successors for that purpose And Wee do by these prsents for vs our heires and successors constitute establish declare & appoint our said President & Councell and their Successors for the time being to be a Constant & settled Court of Record for the administracon of Justice to all our subjects inhabiting within the limitts aforesaid in all Causes aswell Civill as Criminall And that the President or any seaven of the Councell for the time being

[1] *Sic:* our high.

shall have full power & authority to hold Plea in all Cases from time to time aswell in pleas of the Crowne and in all matters relating to the conservacon of the Peace and punishment of Offenders as in Civill Suits and Accons between party & party or between vs and any of our subjects there whether the same do concern the Realty & relate to any right of Freehold & Inheritance or whether the same do concern the personalty and relate to some matter of debt Contract damage or other personall Injury And also in all mixt Accons which may concern both Reality & psonality and therein after due & orderly proceedings & deliberate hearing of both sides to give Judgement & to award Execucon aswell in Criminall as in Civill Cases as aforesaid so alwaies that the formes of proceedings in such Cases & the Judgements thereupon to be given be as consonant & agreeable to the Lawes & Statutes of this our Realme of England as the p'sent State & Condicon of our subjects Inhabiting within the Limitts aforesaid and the circumstances of the place will admitt And the President & Councell for the time being and every one of them respectively before they be admitted to their severall & respective offices & charges shall also take this oath following you shall sweare well & truely to administer Justice to all his maties good subjects inhabiting within the Territory and Dominion of New England vnder this his maties Government and also duely & faithfully to discharge & execute the trusts in you reposed according to the best of your knowledge you shall spare no person for favor or affeccon nor any person grieve for hatred or ill will So help you God And Wee doe further hereby give & grant vnto our said President & Councell or to the major part of them full power & authority to erect constitute & establish such and soe many County Courts & other Inferior Courts of Judicature & publick Justice within our said Colony & Dominion as they shall think fitt and necessary for the hearing & determining of all Causes aswell Criminall as Civill accord-

ing to Law & equity and for awarding of execucon thereupon with all reasonable & necessary powers authoritys Fees & priviledges belonging vnto them Nevertheless It is our Will & pleasure and soe we do hereby expressly declare that it shall and may be lawfull from time to time to & for all and every person who shall think him or themselves aggrieved by any sentence Judgement or decree pnounced given or made as aforesaid in about or concerning the title of any Land Or other reall estate or in any personall Accon or suit above the value of three hundred pounds & not vnder to appeale from such Judgement Sentence & Decree vnto vs in our Privy Councel But with & vnder this Caution & limitacon that the Appellant shall first enter into and give good Security to pay full costs in case no Releife shall be obteyned vpon such Appeale And for the better defence & security of all our Loving Subjects within our said Territory & Dominion of New England our further Will & pleasure is and Wee do hereby authorize require & Comand our said President & Councell for the time being in Our name and vnder the Seale by vs appointed or to bee appointed to be vsed, to give & yssue forth Comissions from time to time to such person & persons whom they shall Judge best qualified for the Regulacon & discipline of the militia of our said Territory & Dominion and for the arraying & mustering the Inhabitants thereof & instructing them how to beare & vse their Armes and that care be taken that such good discipline shall be observed as by the said Councell shalbe prescribed And that if any Invasions shall at any time be made or other destruccon Detriment or annoyance made or done by Indians or others vpon or vnto our good subjects inhabiting within the sayd Territory & Dominion We by these p^sents for vs our heires and Successors declare ordeyne & grant that it shall & may bee lawfull to & for our said subjects so comissioned by our said Councell from time to time and at all times for their speciall defence & safety to encounter expell

repell & resist by force of armes and all other fitting wayes & means whatsoever all and every such person & persons as shall at any time hereafter attempt or enterprize the destruc-cōn Invasion detrement or Annoyance of any of our said Loving Subjects or their plantacōns or Estates And above all things Wee do by these p^r^sents will require & Comand Our said Councell to take all possible Care for the discount-enance of all vice and incouragem^t^ of vertue & good Living that by such Example the Infidells may bee invited & desire to partake of the Christian Religion And for the greater Ease & satisfaccōn of our said loving subjects in matter of Religion Wee do hereby will require & comand that liberty of Conscience shalbe allowed vnto all persons and that such especially as shall be conformable to the Rites of the Church of England shalbe pticulerly countenanced and encouraged And further Wee do by these p^r^sents for vs our heires & suc-cessors give & grant vnto the said Councell & their successors for the time being full & free liberty power & authority to heare & determine in all emergencies relating to the peace & good Government of our Subjects within the said Province and also to sumon & convene any person or persons before them and Punish Contempts and to cause the oath of Alle-giance to be administred to all & every person & persons who shalbe admitted to any office or preferment and for supporting the charge of the Government of our said Territory & Dominion in New England, Our Will & pleasure is, and We do by these presents authorize & require the said Presi-dent & Councell to continue such Taxes & Imposicōns as have been & now are laid & imposed vpon the Inhabitants thereof and that they levy & distribute, or cause the same to be levied & distributed to these Ends in the best & most equall manner they can. Also our will and pleasure is And Wee do hereby direct & appoint that if the said President of Our Councell shall happen to dy that then from and after the death of the said President, his Deputy, shall succeed him in

the Office of President, and shall & may nominate and Choose any one of the said Councell to be his Deputy to p^r^side in his absence And the said Deputy so succeeding shall continue in the said Office of President vntill our further Will & pleasure bee knowne therein And if any of the members of the said Councell shall happen to dy Our Will & pleasure is and Wee do hereby direct & appoint the President of our Councell for the time being to elect some other person to be a member of the said Councell for that time, and to send over the name of such person soe chosen, and the names of two more Whom our said President shall judge fittly qualified for the said trust that We our heires & successors may nominate & appoint which of the three shall be the member in the place of the member so dying And lastly our will & pleasure is that the said President & Councell for the time being do p^r^pare and send vnto vs such rules & methods for their owne proceedings as may best suit with the constitucon of our Territory & Dominion aforesaid and for the better establishing our authority there and the government thereof that We may alter or approve the same as Wee shall think fitt. In Witnes &c. Witnes the King at Westm^r^ the eighth of October *per* ips*um* Regem.

—— *Public Record Office, Patent Roll, 1 James II, Part 8, No. 14.*

SIR EDMUND ANDROS'S FIRST COMMISSION

AS

GOVERNOR OF THE TERRITORY AND DOMINION OF NEW ENGLAND

3 June, 1686

James the Second by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c To our Trusty and Welbeloved Sir Edmund Andros Knight *Greeting*

De Concessione Andros militi Commissionis

Whereas the Government of that part of our Territory and Dominion of New England hereafter mencōned is now in our hands and being minded to give all protection and encouragement to our good subjects therein and to provide in the most effectuall manner for their security and Welfare Wee therefore reposeing especiall trust and confidence in the prudence courage and loyalty of you the said Sir **Edmund Andros** out of our especiall grace [*and*] certaine knowledge and meere Mocōn have thought fitt to constitute and appoint and by these p^r^sents doe constitute and appoint you the said Sr Edmund Andros to be our Captain Generall and Governor in Cheife in and over all that our Territory and Dominion of New England in America comonly called & knowne by the name of our Colony of the Massachusetts Bay our Colony of New Plymouth and our Provinces of New Hampshire and Maine the Narragansett Country otherwise called the Kings

Province with all the Iselands rights and members to the said Colonies and Territories in any wise appertaining And for your better Guidance and direccon Wee doe hereby require and Comand you to doe and execute all things in due manner that shall belong vnto the said Office [and] the Trust Wee have reposed in you according to the severall powers Instruccons and Authorities menconed in these p^r^sents or such further powers Instruccons and Authorities as you shall herewith receive or which shall at any time hereafter be granted or appointed you under our signett and signe manuall or by [our] Order in our Privy Councell and according to such reasonable laws and Statutes as are now in force or such other[s] as shall hereafter be made and Established within that our Territory and Dominion [*of New England*] aforesaid And our Will and pleasure is that you the said Sir Edmund Andros haveing (after your arrivall in New England and publication of these our letters Patents) first taken the oath of Allegiance together with the oath of duely Executeing the Office of our Captain Generall and Governor in Cheife of our said Territory and Dominion (which our Councell there or any three of them are hereby required authorized and impowred to give and Administer vnto you) you shall Administer unto each of the members of our Councell aswell the oath of Allegiance as the Oath [for] [*of*] the due Execcon of their [*several*] places and Trust. And Wee doe hereby give and grant vnto you full power and Authority to suspend any member of our Councill from sitting voteing and Assisting therein as you shall finde just cause for [*your*] soe doeing And if it shall [hereafter] at any time [*hereafter*] happen that by the death departure out of our said Territory or suspension of any of our Councellors or that otherwise there shall be a vacancy in Our said Councill (any five whereof Wee doe hereby appoint to be a Quorum) Our will and pleasure is that you signifie the same vnto vs by the first oppertunity that Wee may vnder our Signett and Signe Manuall consti-

tute and appoint others in their room but that our affaires At that distance may not suffer for want of a due Number of Councellors if ever it shall happen that there are lesse than seaven of them resideing vpon the place Wee doe hereby give and grant [vn]to you full power and Authority to choose as many psons [out] of the principall Inhabitants thereof as will make vp the full number of our Councill to be seaven and noe more which persons by vertue of such Choice shall be to all intents and purposes our Councellors within our said Territory vntill they be confirmed by vs or that by nominacon of others by vs vnder our Signe Manuall and Signett the said Councell shall have seaven psons in it And Wee doe hereby give and grant vnto you full power and authority by and with the advice and Consent of our said Councell or the major part of them to make constitute and ordaine Laws Statutes and Ordinances for the publique peace Welfare and good Governmt of our said Territory and Dominion and of the people and Inhabitants thereof and such others as shall resort thereto and for the benefitt of vs our heires & Successors Which said Laws Statutes and Ordinances are to be as neare as Conveniently may be agreeable to the Laws and Statutes of this our Kingdome of England Provided that all such Laws Statutes and Ordinances of what nature or duration soever be within three monthes or sooner after the makeing of the same transmitted vnto vs vnder our Seale of New England for our allowance or disapprobacon [of them] as allso Duplicates thereof by the next Conveyance And Wee doe by these prsents give and grant vnto you full power and authority by and with the advice and consent of our said Councill or the major part of them to impose and assesse and raise and levy such rates and Taxes as you shall finde necessary for the support of the Governmt within our Territory and Dominion of New England to be collected [and] levyed and to be employed to the vse[s] aforesaid in such manner as to you and our said Councill or the major part of them

shall seem most equall and reasonable And for the better supporting the Charge of the Governm^{t} of our said Territory and Dominion our Will and pleasure is and Wee doe by these p^{r}sents authorise and require you the said Sir Edmund Andros and our said Councill to continue such Taxes and Imposicōns as are now laid and imposed vpon the Inhabitants thereof and to levy and distribute or cause the same to be levyed and distributed to those ends in the best and most equall manner untill you shall by and with the advice and consent of our Councill agree on and seale[1] such other taxes as shall be sufficient for the support of our Government there which are to be applyed to that vse and noe other And our further Will and pleasure is that all publick money raised or to be raised or appointed for the support of the Government within our said Territory and Dominion be issued out by Warrant or Order from you by and with the advice and Consent of our Councill as aforesaid And our Will and pleasure is that you shall and may keepe and vse our Seale appointed or to be appointed by us for our said Territory and Dominion and Wee doe further give and grant vnto you the said Sir Edmund Andros full power and Authority from time to time and at any time[s] hereafter by your selfe or by any other to be authorized by you in that behalfe to administer and give the oath of Allegiance now established within this our Realme of England to all and every such pson as you shall thinck fitt or shall at any time or times passe [v][*i*]nto our said Territory or shall be [resident] [*Resideing*] or abideing there And Wee doe by these p^{r}sents Ordaine constitute and appoint our Governor and Councill of our said Territory and Dominion for the time being to be a constant and settled Court of Record for the Administracōn of Justice to all our subjects inhabiting within our said Territory and Dominion in all Causes aswell Civill as Criminall with full power and Authority to hold pleas in all Ca[*u*]ses from time to time as well

[1] *Sic:* settle.

in pleas of the Crowne and [in] all matters relateing to the Conservation of the peace and punishment of Offenders as [*well*] in Civill causes or Actions between party and party or between vs and any of our Subjects there Whether the same doe concerne the realty and relate to any right of Freehold and Inheritance or Whether the same doe concerne the psonalty and relate to matter of Debt contract damage or other psonall Injury and alsoe in all mixt Actions which may concerne both realty and personalty and therein after due and orderly proceeding and deliḃate hearing of both sides to give Judgem^t^ and to award execucon̄ aswell in Criminall as in Civill Cases as aforesaid soe alwayes that the formes of proceedings in such Cases and the Judgem^nt^ thereupon to be given be as Consonant and agreeable to the laws and Statutes of this our Realme of England as the p^r^sent state and condicon̄ of our Subjects inhabiting within our said Territory and Dominion and the Circumstances of the place will admitt And Wee doe further hereby give and grant vnto you full power and authority with the advice and consent of our said Councill to erect constitute and Establish such and soe many Courts of Judicature and publick Justice within our said Territory and Dominion as you and they shall think fitt and necessary for the determining of all Ca[u]ses aswell Criminall as Civill according to law and Equity and for awarding of Execucon̄ thereupon with all reasonable and necessary powers Authorities Fees and privilidges belonging [vn]to them as allsoe to appoint and Commissionate fitt psons in the severall parts of our said Territory to Administer the Oath of Allegiance vnto such as shall be obliged to take the same and Wee do hereby grant vnto you full power and Authority to constitute and appoint Judges and in Cases requisite comissioners of Oyr and Terminor Justices of the Peace Sheriffs and all other necessary Officers and Ministers Within our said Territory for the better Administracon̄ of Justice and putting the laws in Execucon̄ And to Administer such Oath and

Oathes as are usually given for the due Execucon and pformance of Offices And places and for the clearing of Truth in Judiciall Causes And our further Will and pleasure is And Wee doe hereby declare that all Actings and proceedings at Law or Equity heretofore had or done or now depending within any of the Courts of our said Territory and all Execucons thereupon be hereby confirmed and continued soe far forth as not to be avoided for want or defect of any legall power in the said Courts But that all and every such Judiciall actings proceedings and Execucons shall be of the same force effect and virtue as if such Courts had acted by a just and legall Authority And Wee doe further by these p^r^sents will and require you to pmitt Appealls to be made in cases of Error from Our Courts in Our said Territory and Dominion of New England vnto our Governor and Councill in Civill Causes provided the vallue appealed for doe exceed the sume of one hundred pounds sterling and that security be first duely given by the Appellant to Answer such Charges as shall be awarded in case the first Sentence shall be affirmed And whereas Wee Judge it necessary that all our Subjects may have liberty to Appeall to our Royall pson in cases that may require the same Our Will and pleasure is that if either party shall not rest satisfied with the Judgement or Sentence of Our Governor and Councell they may then appeale [unto vs] in our Privy Councell Provided the matter in difference exceed the reall value [and sume] of three hundred pounds sterling and that such Appeale be made within one fortnight after Sentence And that security be likewise [duely] given by the Appellant to answer such Charges as shall be awarded in case the Sentence of the Governor and Councill be confirmed and provided alsoe that Execucon be not suspended by reason of any such Appeale vnto vs And Wee doe hereby give and grant vnto you full power Where you shall see Cause and shall Judge any Offender or Offenders in Capitall and Criminall matters or for any Fines or

Forfeitures due vnto vs Fitt Objects of our mercy to pardon all such Offenders and to remitt such Fines and Forfeitures Treason[*s*] and Wilfull murder only excepted In which Cases you shall likewise have power vpon extraordinary occasions To grant Repreives to the Offender[s] therein vntill and to the Intent our pleasure may be further knowne And Wee doe hereby give and grant vnto you the said Sir Edmund Andros by yourselfe your Captains and Comanders by you to be authorized full power and authority to levy arm[*s*] muster comand or employ all psons whatsoever resideing within our said Territory and Dominion of New England and as occasion shall serve [them] to transferr from one place to another for the resisting and withstanding of all enemies Pirates and Rebells both at land and Sea [and] to transferr such forces to any of our Plantacons in America as occasion shall require for the Defence of the same against the [Invasion] [*Innovation*] or Attempt of any of our Enemies And them if occasion shall require to pursue and prosecute in or out of the limitts of our said Territory and Plantacons or any of them And if it shall so please God them to vanquish and being taken either according to the law of Armes to putt to death or keepe and [p^r^serve] [*reseaue*] alive at your discretion As alsoe to execute martiall Law in time of Invasion Insurreccon or Warr and dureing the continuance of the same and vpon Souldiers in pay and to doe and execute all and every other thing which to a Captain Generall doth or ought of right to belong as fully and amply as any our Captain Generall doth or hath vsually done And Wee doe hereby give and grant vnto you full power and authority to erect raise and build Within our Territory and Dominion aforesaid such and soe many Forts Platformes Castles Citties Burroughs Townes and Fortificacons as you shall Judge necessary And the same or any of them to fortifie and furnish with Ordinance Ammunition and all sorts of armes fit and necessary for the security and defence of our said Territory and the

same againe or any of them to demolish or dismantle as may be most convenient And Wee doe hereby give and grant vnto you the said Sir Edmund Andros full power and authority to erect one or more Court or Courts [*of*] Admirall within our said Territory and Dominion for the hearing and determining of all marine and other Causes and matters proper therein to be heard and determined with all reasonable and necessary powers Authorities Fees and Priviledges And you are to execute all powers belonging to the place and Office of vice Admirall of and in all the seas and Coast[s] about your Government according to such Comission authority and instruccons as you shall receive from ourselfe vnder the seale of our Admiralty or from our high Admirall of our Forreigne Plantacons for the time being And for asmuch as divers mutinies and disorders doe happen by psons shipped and employed at Sea and to the end that such as shall be Shipped or employed at Sea may be the better governed and ordered Wee doe hereby give and grant vnto you the said Sir Edmund Andros our Captaine Generall and Governor in Cheife full power and Authority to Constitute and appoint Captaines [*and*] masters of shipps and other comanders [and to grant vnto such Captains Masters of Shipps and other comand^rs] Comissions to execute the Law Martiall and to use such proceedings authoritis punishment Correccon and execu-con[*s*] vpon any Offender or Offenders which shall be mutinous seditious disorderly or any way vnruly [either] at Sea or dureing the time of their aboade or residence in any of the ports harbours or Bays of our said Territory and Dominion as the Cause shall be found to require according to Martiall Law provided that nothing herein contained shall be construed to the enableing you or any by your Authorty to hold plea or have Jurisdiccon of any Offence cause matter or thing comitted or done vpon the Sea or within any of the Havens Rivers or Creeks of our said Territory and Dominion vnder your Governm^t by any Captaine Comander Leivten-

ant Master or other Officer Seaman Soldier or person[*s*] whatsoever who shall be in Actuall service and pay [in] and on Board any of our Shipps of Warr or other vessels acting by immediate Comission or Warrant from ourselfe vnder the Seale of Our Admiralty or from our high Admirall of England for the time being but that such Captaine Comander Leiutenant Master Officer Seaman Souldier and other psons soe Offending shall be left to be proceeded against and tryed as the merrit of their Offences shall require either by Comission vnder our great Seale of England as the Statute of twenty eighth of Henry the eighth directs or by Comission[*ers*] from our [said] high [*Court of*] Admirall[*ty*] according to the Act of parliament passed in the thirteenth yeare of the Reigne of the late King our most dear and most entirely beloved Brother of ever blessed memory Entituled (An Act for the Establishing Articles and Orders for the regulateing and better Government of his maiesties Navies Shipps of Warr and forces by Sea) and not otherwise saveing onely that it shall and may be lawfull for you vpon any such Captaine or Comander refuseing or neglecting to execute Or vpon his negligen[t] [*ce*] or vndue Execucon̄ of any the Written Orders he shall receive from you for our service And the Service of our said Territory and Dominion to suspend him the said Captaine or Comander from the Exercise of his said Office of Comander and Comitt him into safe custody either on board his owne shipp or elsewere at the discretion of you in Order to his being brought to Answer for the same by Comission either under our Great Seale of England or from our said high Admirall as is before expressed In which case our Will and pleasure is that the Captaine or Comander soe by you Suspended shall dureing such his Suspension and Comittment be Succeeded in his said Office by such Comission or Warrant Officer of our said Shipp appointed by our Selfe or our High Admirall of England for the time being as by the knowne practice and discipline of

our Navy doth and ought next to succeed him as in case of Death sicknesse or other ordinary disability happening to the Comander of any of our Shipps and not otherwise you standing alsoe accomptable vnto us for the truth and importance of the Crimes and misdemeanors for which you shall soe proceed to the suspending of such our said Captaine [or] [*and*] Comander Provided also that all disorders and misdemeanors comitted on shore by any Captaine Comander Leivtenant Master or other Officer Seaman Souldier or pson whatsoever belonging to any of our Shipps of Warr or other vessells acting by imediate Comission or Warrant from our Selfe vnder the Seale of our Admiralty or from our high Admirall [of England] for the time being may be tryed and punished according to the Laws of the place where any such disorders offences and misdemeanors shall be soe comitted on shore Notwithstanding such Offendor be in Our Actuall Service and born in our pay on board any such our Shipps of Warr or other vessells acting by imediate Comission or Warrant from our selfe or our High Admirall as aforesaid soe as he shall not receive any protection (for the avoiding of Justice for such Offences comitted on Shore) from any pretence of his being imployed in our Service at Sea And Wee doe likewise give and grant vnto you full power and authority by and with the advice and consent of our said Councill to agree with the Planters and Inhabitants of our said Territory and Dominion concerning such lands Tenem^ts^ and hereditaments as now are or hereafter shall be in our power to dispose of and them to grant vnto any pson or psons for such Termes and vnder such moderate quitt Rents Services and acknowledgements to be thereupon reserved vnto vs as shall be appointed by vs which said Grants are to passe and be sealed by our Seale of New England and (being entred vpon Record by such Officer and Officers as you shall appoint thereunto) shall be good and effectuall in Law against vs our Heires and Successors And Wee give you full power and authority

to appoint soe many Faires Marts and Marketts as you with the advice of our said Councill shall think fitt As likewise to order and appoint within our said Territory such and so many Ports Harbors Bayes Havens and other places for the Convenience and Security of Shipping and for the better leading and vnloading of Goods and Merchandizes as by you with the advice and consent of our Councill shall be thought fitt and necessary and in them or any of them to erect nominate and appoint Custome Houses Ware Houses and officers relateing thereunto and them to alter change place or displace from time to time as with the advice aforesaid shall be thought fitt And above all things Wee doe by these p̃sents will [*and*] require and comand you to take all possible care for the discountenance of Vice and Encouragement of virtue and good liveing that by such Example the Infidells may be invited and desire to partake of the Christian Religion And for the greater [care] [*ease*] and satisfaccon̄ of our loveing subjects in matters of Religion Wee doe hereby Will require and Com̄and that liberty of Conscience be allowed to all p̣sons and that such especially as shall be comformable to the Rites of the Church of England be particularly countenanced and encouraged And for asmuch as pursuant to the laws and Custome of our Colony of the Massachesetts Bay and of our other Collon[ies][*y*] and Provinces afore menconed diverse marriages have been made and p̣formed by the magistrates of our said Territory Our Royall Will and pleasure is hereby to confirme all the said marriages and to direct that they be held good and valid in the same manner to all intents and purposses whatsoever as if they had been made and contracted according to the laws Established within our Kingdome of England And Wee doe hereby require and Comand all Officers and Ministers Civil and Military and all other Inhabitants of our said Territory and Dominion to be obedient aiding and assisting vnto you the said Sir Edmund Andros in the Execucon̄ of this our Comission and of the power[s]

and Authorit[ies] [*y*] therein mencōned and vpon your death or absence out of our said Territory vnto the Commander [in] [*or*] cheife to Whome Wee doe therefore by these p^r^sents give and grant all and singular the powers and authorities aforesaid to be exercised and enjoyed by him dureing our pleasure or vntill your arrivall within our said Territory and Dominion And if in case of such death or absence there be noe pson vpon the place appointed by vs to be Cōmander in Cheife Our Will and pleasure is that the then p^r^sent Councill of our said Territory aforesaid doe take upon them the administration of the Government and execute this Comission and the severall powers and Authorities herein contained and that the first [Councillor] who shall be at the time of your death or absence resideing within the same doe p^r^side in our said Councill with such powers and p^r^heminences as any former p^r^sident hath vsed and enjoyed within our said Territory or any other our Plantacōns in America vntill our pleasure be further knowne or your arrivall as aforesaid And lastly our Will and pleasure is that our Comission bearing date the seaven and twentieth day of September [1] in the first yeare of our Reigne constituting our Trusty and Welbeloved Joseph Dudley Simon Bradstreet William Stoughton Esquires and others to be our p^r^sident and Council of our Territory and Dominion of New England do from the publicacōn of these p^r^sents cease and become void And that you the said Sir Edmund Andros shall and may hold Execute and enjoy the Office and place of Captain Generall and Governor in Cheife in and over our Territory and Dominion aforesaid with all its rights members and appurtānces whatsoever together with all and singular the powers and authorities hereby granted vnto you for and dureing our Will and pleasure In witnesse [*Whereof Wee haue Caused these our Letters to be made Pat-*

[1] The copy of Dudley's Commission as President recorded in the Public Record Office, Colonial Office, Class 5, Vol. 904, pp. 252–258, bears date 27 September; but the copy on the Patent Roll bears date 8 October: see p. 43, *ante*.

tents] [&c] Witnesse our selfe at Westminster the third day of June [*In the second Yeare of our Reigne*]

[By Writt of Privy Seale]

[*per Breve De Priuato Sigillo*]

[*BARKER*]

——*Public Record Office Patent Roll, 2 James II, Part 9, Rot. dors., No. 4.* Compared with the copy (*Massachusetts Archives, Vol. 126, pp. 7–16*) in the office of the Secretary of the Commonwealth.[1]

[1] In the Commissions of which there are copies both in the Public Record Office in London and in the office of the Secretary of the Commonwealth, words and letters in brackets are such as appear in the Record Office copies, but not in the copies in the Secretary's office; and words in brackets, *italicized*, occur in the copies in the Secretary's office, but not in the copies in the Record Office. Trivial differences — such as the use of the ampersand, punctuation, initial capital letters, and spelling (as "Massachusetts" or "Massachusets," "mere" or "meer," "tried" or "tryed," "shore" or "shoar," "well beloved" or "wel-beloved," "Lieutenant" or "Lieu^{t}," "territories" or "territorys," etc.) — are not noted.

SIR EDMUND ANDROS'S SECOND COMMISSION

AS

GOVERNOR OF THE TERRITORY AND DOMINION OF NEW ENGLAND

7 April, 1688

James the Second by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c To Our Trusty and Welbeloved Sir Edmund Andros Knight *Greeting*

Whereas by Our Commission vnder Our Greate Seale of England beareing date the third day of June in the second yeare of Our reigne Wee have constituted and appointed you to bee Our Captaine Generall and Governor in Cheife in and over all that part of Our Territory and Dominion of New England in America knowne by the name of Our Colony of the Massachusetts Bay Our Colony of New Plymouth Our Provinces of New Hampshire and Main and the Narragansett Country or King's Province And Whereas since that time Wee have thought it necessary for Our Service and for the better protection and security of Our Subjects in those parts to Joyne and annex to Our said Government the neighbouring Collonyes of Rhode Island and Conecticut Our Province of New Yorke and East and West Jersey with the Territories thereunto belonging, as Wee do hereby Joyne annex and

De concessione Andros militi Commissionis

vnite the same to Our said Government and Dominion of New England Wee therefore reposeing speciall Trust and Confidence in the Prudence Courage and Loyalty of you the said Sir Edmund Andros out of Our especiall Grace certaine knowledge and meere motion, have thought fitt to constitute and appoint as Wee doe by these presents Constitute and appoint you the said Sir Edmund Andros to bee Our Captaine Generall and Governor in Cheife in and over Our Colonyes of the Massachusets Bay and New Plymouth Our Provinces of New Hampshire and Main the Narraganset Country or Kings Province Our Colonyes of Rhode Island and Conecticut Our Province of New Yorke and East and West Jersey and of all that Tract of land Circuite Continent precincts and lymitts in America lyeing and being in breadth from Forty degrees of Northern latitude from the Equinoctiall Line to the River of Saint Croix Eastward and from thence directly Northward to the River of Canada and in length and longitude by all the Breadth aforesaid throughout the maine land vppon the Atlantick or Westerne Sea and Ocean on the East part to the South Sea on the West part with all the Islands Seas Rivers Waters Rights members and appurtenances therevnto belonging Our Province of Pensilvania and Country of Delawere onely Excepted to bee called and knowne as formerly by the name and Tytle of Our Territory and Dominion of New England in America and for your better Guidance and direction Wee doe hereby require and Command you to doe and execute all things in due manner that shall belong vnto the said Office and the Trust Wee have reposed in you according to the severall powers Instructions and Authorityes mentioned in these presents or such further powers Instructions and authorityes as you shall herewith receive or which shall at any time hereafter bee granted or appointed you vnder Our Signett and signe mannuall or by Our Order in Our Privy Councell and according to such reasonable laws and Statutes as are now in force or

such others as shall hereafter bee made and established within that Our Territory and Dominion aforesaid And Our Will and pleasure is that you the said Sir Edmond Andros haveing after the publication of these Our Letters Patents first taken the Oath of duely Executeing the Office of Our Captaine Generall and Governor in Cheife of our said Territory and Dominion which Our Councell there or any three of them are hereby required authorized and Impowered to give and Administer vnto you you shall administer vnto each of the members of Our Councell the Oath for the due Execucon of theire places and Trusts And Wee doe hereby give and Grant vnto you full power and Authority to suspend any member of Our Councell from sitting voting and assisting therein as you shall finde Just Cause for soe doeing And if itt shall hereafter att any time happen that by the death departure out of Our said Territory or suspention of any of Our Councillors or otherwise there shall bee a vacancy in our said Councell any five whereof Wee doe hereby appoint to bee a Quorum Our Will and Pleasure is that you signifye the same vnto vs by the First opportunity that Wee may vnder Our Signett and Signe Mannuall constitute and appoint others in theire Room And Wee doe hereby give and Grant vnto you full power and Authority by and with the advice and Consent of Our said Councell or the mayor part of them to make Constitute and Ordaine Lawes Statutes and Ordinances for the publicke peace Welfare and good Government of Our said Territory and Dominion and of the people and Inhabitants thereof and such others as shall resort thereto and for the benefitt of vs Our heires and Successors Which said lawes Statutes and Ordinances are to bee as neare as Conveniently may bee agreable to the lawes and Statutes of this Our kingdome of England Provided that all such Lawes Statutes and Ordinances of what nature or duration soever bee within three months or sooner after the makeing of the same transmitted vnto vs vnder Our

Seale of New England for allowance or Disapprobation of them as alsoe Duplicates thereof by the next Conveyance And Wee doe by these presents Give and Grant vnto you full power and authority by and with the advice and Consent of Our said Councill or the major part of them to impose assess raise and levy such Rates and Taxes as you shall finde necessary for the support of the Government within Our Territory and Dominion of New England to bee Collected and levyed and to bee Employed to the vses aforesaid in such manner as to you and Our said Councill or the major part of them shall seeme most equall and reasonable And for the better supporting the charge of the Government of Our said Territory and Dominion Our Will and Pleasure is and Wee doe by these presents Authorize and Impower you the said Sir Edmond Andros and Our Councill to Continue such Taxes and Impositions as are now laid and Imposed uppon the Inhabitants thereof And to levy and Distribute or cause the same to bee levyed and distributed to those ends in the best and most equall manner vntill you shall by and with the advice and Consent of Our Councill agree on and settle such other Taxes as shall bee sufficient for the support of Our Government there which are to bee applyed to that vse and noe other And Our further Will and pleasure is that all publicke money raised or to bee raised or appointed for the support of the Government Within Our said Territory and Dominion bee issued out by Warrant or Order from you by and with the advice and Consent of Our Councill as aforesaid And Our Will and pleasure is that you shall and may keepe and vse Our Seale appointed by vs for Our said Territory and Dominion And Wee doe by these presents Ordaine Constitute and appoint you or the Commander in Cheife for the time being and the Councell of Our said Territory and Dominion for the time being to bee a Constant and settled Court of Record for the administracon of Justice to all Our Subjects Inhabiteing within Our

said Territory and Dominion in all Causes aswell Civill as Criminall with full power and authority to hold Pleas in all causes from time to time aswell in Pleas of the Crowne and in all matters relateing to the Conservation of the Peace and Punishment of Offenders as in Civill Causes and actions betweene party and party or between Us and any of Our Subjects there Whether the same doe concerne the Realty and Relate to any Right of Freehold and Inheritance or whether the same doe concerne the Personalty and Relate to matter of debt contract Damage or other personall Injury and alsoe in all mixt Actions which may concerne both Realty and personalty and therein after due and Orderly proceeding and deliberate heareing of both sides to give Judgment and to award Execucon aswell in Criminall as in Civill causes as aforesaid soe as alwayes that the Formes of Proceedings in such Cases and the Judgment therevppon to be given bee as Consonant and agreeable to the laws and Statutes of this Our Realme of England as the present State and Condition of Our Subjects Inhabiteing within Our said Territory and Dominion and the Circumstances of the Place will admitt And Wee doe further hereby give and Grant vnto you full power and Authority with the advice and Consent of Our said Councill to Erect Constitute and Establish such and soe many Courts of Judicature and publicke Justice within Our said Territory and Dominion as you and they shall thinke fitt and necessary for the determineing of all Causes aswell Criminall as Civill according to law and Equity and for awarding of Execucon thereuppon with all reasonable and necessary Powers Authorityes Fees and Priviledges belonging vnto them And Wee doe hereby give and Grant vnto you full power and Authority to Constitute and appoint Judges and in Cases requisite Commissioners of Oyer and Terminer Justices of the Peace Sherriffes and all other necessary Officers and Ministers within Our said Territory for the better Administration of Justice and putting the lawes in Execution

and to administer such Oath and Oaths as are vsually given for the due Execution and performance of Offices and Places and for the cleareing of truth in Judiciall Causes And Our further Will and pleasure is and Wee doe hereby declare that all Actings and proceedings att law or equity heretofore had or done or now depending within any of the Courts of Our said Territory and all Executions thereuppon bee hereby Confirmed and Continued soe farr forth as not to be avoyded for want of any legall Power in the said Courts but that all and every such Judiciall actings proceedings and Executions shall bee of the same force Effect and Vertue as if such Courts had acted by a Just and legall Authority And Wee doe further by these presents will and require you to permitt Appeales to bee made in Cases of Error from Our Courts in Our said Territory and Dominion of New England vnto you or the Commander in Cheife for the time being and the Councill in Civill Causes Provided the value appealed for doe Exceed the summe of One hundred pounds Sterling and that security bee First duely given by the Appellant to Answere such charges as shall bee awarded in Case the first sentence shall bee affirmed And Whereas Wee Judge itt necessary that all Our Subjects may have liberty to Appeale to Our Royall person in Cases that may require the same Our Will and pleasure is that if either party shall not rest satisfied with the Judgment or sentence of you (or the Commander in Cheife for the time being) and the Councill they may appeale vnto Us in Our Privy Councill Provided the matter in differrence exceed the Real value and summe of three hundred pounds Sterling and that such appeale bee made within one fortnight after sentence and that security bee likewise duely given by the Appellant to Answer such charges as shall bee awarded in Case the sentence of you or the Commander in Cheife for the time being and the Councell bee Confirmed And Provided alsoe that Execution bee not Suspended by reason of any such appeale vnto vs And Wee doe hereby

give and Grant vnto you full power where you shall see Cause and shall Judge any Offender or Offenders in Capitall and Criminall matters or for any Fynes or Forfeitures due vnto vs fitt objects of our mercy to Pardon all such Offenders and to remitt such Fynes and Forfeitures Treason and willfull murther onely Excepted in which Cases you shall likewise have power vppon extraordinary occasions to Grant repreives to the Offenders therein vntill and to the Intent Our pleasure may bee further knowne And Wee doe hereby give and Grant vnto you the said Sir Edmond Andros by your selfe your Captaines and Commanders by you to bee authorized full power and authority to levy arms muster Command or employ all persons whatsoever resideing within Our said Territory and Dominion of New England and as occasion shall serve them to transferr from one place to an other for the resisting and withstanding all Enemyes Pirates and Rebells both att Sea and land and to transferr such forces vnto any of Our Plantations in America or the Territories therevnto belonging as occasion shall require for the defence of the same against the Invasion or attempt of any of our Enemyes and them if occasion shall require to persue and prosecute in or out of the limitts of our said Territoryes and Plantations or any of them and if itt shall soe please God them to vanquish and being taken according to the law of armes to putt to death or keepe and preserve alive att your discretion and alsoe to Execute martiall Law in time of Invasion Insurrecc̄on or Warr and dureing the Continuance of the same and vppon souldiers in pay and to doe and Execute all and every other thing Which to a Captaine Generall doth or ought of Right to belong as fully and Amply as any Our Captaine Generall doth or hath vsually done And Wee doe hereby give and Grant vnto you full power and authority to Erect Raise and Build within Our Territory and Dominion aforesaid such and soe many Forts Platformes Castles Cittyes Burroughs Townes and Fortifications as you

shall Judge necessary and the same or any of them to Fortify and furnish with Ordinance Amunition and all sorts of armes fitt and necessary for the Security and defence of Our said Territory and the same againe or any of them to demolish or dismantle as may be most Convenient And Wee doe hereby give and grant vnto you the said Sir Edmond Andros full power and Authority to Erect one or more Court or Courts Admirall within Our said Territory and Dominion for the heareing and determineing of all marine and other Causes and matters proper therein to bee heard and determined with all reasonable and necessary Powers Authorityes Fees and Priviledges And you are to Execute all powers belonging to the Place and Office of Vice Admirall of and in all the Seas and Coasts about your Government according to such Commission Authority and Instruccons as you shall receive from ourself under the Seal of our Admiralty or from Our high Admirall of Our Foreigne Plantations for the time being And forasmuch as divers mutinies and Disorders doe happen by persons Shipped and employed att Sea and to the end that such as shall bee shipped or employed at Sea may bee the better Governd and ordered Wee doe hereby give and Grant vnto you the said Sir Edmond Andros our Captaine Generall and Governor in Cheife full power and Authority to Constitute and Appoint Captaines Masters of Shipps and other Comanders and to Grant vnto such Captaines Masters of Shipps and other Commanders Commissions to Execute the law martiall and to vse such proceedings Authorityes punishment Correction and Execution vppon any Offender or Offenders which shall bee mutinous seditious disorderly or any way unruley either att Sea or dureing the time of theire aboade or residence in any of the Ports harbors or Bays of Our said Territory and Dominion as the Cause shall bee found to require according to martiall law Provided that nothing herein contained shall bee Construed to the enableing you or any by your Authority to hold Plea or have Jurisdic-

con of any Offence Cause matter or thing comitted or done vpon the sea or within any of the havens Rivers or Creeks of Our said Territory and Dominion vnder your Government by any Captaine Commander Livetennant Master or other Officer Seaman souldier or person Whatsoever Whoe shall bee in actuall Service and pay in and on Board any of Our Shipps of Warr or other vessells acting by Imediate Commission or Warrant from Our selfe vnder the Seale of Our Admiralty or from Our high Admirall of England for the time being but that such Captaine Commander Livetennant Master Officer Seaman Souldier and other person soe offending shall bee left to bee proceeded against and Tryed as the merritt of theire Offences shall require either by Commission vnder Our Greate Seale of England as the Statute of the Twenty eighth Henry the eighth directs or by Commission from Our said high Admirall according to the Act of Parliament passed in the thirteenth yeare of the reigne of the late King Our most Deare and most entirely beloved brother of ever blessed memory (entituled an Act for the establishing Articles and Orders for the Regulateing and better Government of His Maties Navys Shipps of Warr and forces by Sea) and not otherwise Saveing onely that itt shall and may bee lawfull for you uppon such Captaine or Commanders refuseing or neglecting to Execute or uppon his negligent or vndue Execucon of any of the Written Orders hee shall receive from you for Our Service and the Service of Our said Territory and Dominion to suspend him the said Captaine or Commander from the Exercise of the said Office of Commander and Committ him into safe Custody either on board his owne Shipp or elsewhere att the discretion of you in Order to his being brought to answere for the same by Commission either vnder our Greate Seale of England or from Our said high Admirall as is before expressed in Which Case Our Will and pleasure is that the Captain or Commander soe by you suspended shall dureing such his suspention and committ-

ment bee succeeded in his said Office by such Commission or Warrant Officer of Our said Shipp appointed by Our selfe or Our high Admirall of England for the time as by the knowne Practice and Discipline of Our Navy doth and ought next to succeed him as in Case of death sicknesse or other Ordinary Disability hapning to the Commander of any of Our Shipps and not otherwise you standing alsoe accountable to vs for the truth and Importance of the Crimes and misdemeanours for which you shall soe proceed to the Suspending of such Our said Captaine or Commander Provided alsoe that all disorders and misdemeanors Committed or[1] Shoare by and[2] Captaine Commander Livetennant master or other Officer Seaman Souldier or person whatsoever belonging to any of Our shipps of Warr or other vessells acting by Imediate Commission or Warrant from Our selfe vnder the Greate Seale of Our Admiralty or from Our high Admirall of England for the time being may bee Tryed and punished according to lawes of the Place where any such disorders offences and misdemeanors shall bee soe Committed on shoare notwithstanding such Offender be in Our Actuall Service and born in Our Pay on board any such Our Shipps of Warr or other Vessells acting by Imediate Commission or Warrant from Our selfe or Our high Admirall as aforesaid soe as hee shall not receive any protection for the avoiding of Justice for such Offences comitted on Shore from any pretence of his being Employed in Our Service att sea and Wee doe likewise give and Grant vnto you full power and Authority by and with the advice and Consent of Our said Councell to agree with the Planters and Inhabitants of Our said Territory and Dominion concerneing such lands Tenements and hereditaments as now are or hereafter shall bee in Our power to dispose of and them to Grant vnto any person or persons for such Termes and vnder such moderatt quit Rents Services and acknowledgements to bee therevppon reserved vnto vs

[1] *Sic:* on. [2] *Sic:* any.

as shall bee appointed by vs which said Grants are to passe and bee Sealed by Our Seale of New England and (being entred uppon Record by such Officer or Officers as you shall appoint therevnto) shall bee good and effectuall in law against vs our heires and Successors And Wee doe give you full power and Authority to appoint soe many Faires martes and marketts as you with the advice of the said Councill shall thinke fitt as likewise to Order and appoint within Our said Territory such and soe many Ports harbours Bays havens and other places for the Convenience and security of Shipping and for the better loading and vnloading of goods and merchandizes as by you with the advice and Consent of Our Councell shall bee thought fitt and necessary and in them or any of them to Erect nominate and appoint Custome houses Warehouses and Officers relateing thereunto and them to alter change place or displace from time to time as with the advice aforesaid shall bee thought fitt And forasmuch as pursuant to the lawes and Customes of Our Coloney of the Massachusets Bay and of other Our Collonys and Provinces afore mentioned divers marryages have been made and performed by the magstrates of Our said Territory Our Royall Will and pleasure is hereby to Confirme all the said marriages and to direct that they bee held good and valide in the same manner To all Intents and purposes Whatsoever as if they had beene made and Contracted according to the lawes Established within Our Kingdome of England And Wee doe hereby require and Command all Officers and Ministers Civill and military and all other Inhabitants of Our said Territory and Dominion to bee obedient aydeing and assisting vnto you the said Sir Edmond Andros in the Execution of this Our Commission and of the powers and authorityes therein Contained and uppon your death or absence out of Our said Territory vnto Our Livetennant Governor to Whom Wee doe therefore by these presents give and Grant all and singuler the powers and authorityes aforesaid to bee exercised and

enjoyed by him in Case of your death or absence dureing Our Pleasure or vntill your arrivall within Our said Territory and Dominion as Wee doe further hereby Give and Grant full power and authority to Our Livetennant Governor to doe and Execute whatsoever hee shall bee by you authorized and appointed to doe and Execute in pursuance of and according to the powers and authorityes granted to you by this Commission and if in Case of your death or absence there bee noe person vppon the place appointed by vs to bee Commander in Cheife Our Will and Pleasure is that the then present Councill of Our Territory aforesaid doe take uppon them the administracon of the Government and Execute this Commission and the severall powers and authorityes herein Contained and that the First Counsellor whoe shall bee att the time of your death or absence resideing within the same doe preside in Our said Councill with such powers and preheminences as any former president hath vsed and enjoyed within Our said Territory or any other Our Plantations in America vntill Our Pleasure bee further knowne or your arrivall as aforesaid and lastly Our Will and Pleasure is that you the said Sir Edmond Andros shall and may hold execute and enjoy the Office and Place of Captaine Generall and Governor in Cheife in and over Our Territory and Dominion aforesaid with all its Rights members and appurtenances whatsoever together with all and singuler the powers and authorityes hereby Granted vnto you for and dureing Our Will and Pleasure In Witnesse &c Wittnesse the King at Westminster the seaventh day of Aprill

By Writt of Privy Seale

—— *Public Record Office, Patent Roll, 4 James II, Part 8, No. 8.*

SIR WILLIAM PHIPS'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

12 DECEMBER, 1691

William and Mary by the Grace of God King and Queen of England Scotland France and Ireland Defenders of Faith &c To our Trusty and Wellbeloved Sir WILLIAM PHIPPS Knight *Greeting*

Whereas Wee have by our Royall Charter vnder the Great Seale of England bearing date the seaventh day of October in the third yeare of our Reigne vnited Erected and Incorpoporated the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Maine in New England the Territories of Accadie or Nova Scotia and the lands lying between the said Territory of Nova Scotia and the Province of Main aforesaid into one reall Province by the Name of the Province of the Massachusets Bay in New England and haveing thereby granted to our Loveing Subjects the Inhabitants of our said Province or Territy of the Massachusets Bay in New England and their Successors That there shall be a Governor a Leivtenant Governor and a Secretary of our said Province or Territory to be from time to time appointed and Comissionated by us our heires and Successors with severall Priviledges Franchizes and Imunities thereby Granted to our said loveing

De concessione Phipps militi commissionis

Subjects Wee therefor reposeing especiall Trust and Confidence in your Prudence Courage and loyalty out of our especiall Grace certain Knowledge and meere Motion have thought fitt to Constitute and appoint And by these p^rsents Doe Constitute and appoint you the said Sir **William Phipps** to be our Captain Generall and Governor in Chief in and over our said Province of the Massachusetts Bay in New England and for your better Guidance and Direccon Wee doe hereby require you to doe and Execute all things in due manner that shall belong vnto the Trust Wee have reposed in you according to the severall Powers and Authorities menconed in our said Charter and in these p^rsents or such further powers Instruccons and Authorities as you shall now receive or which shall at any time hereafter be granted or appointed you vnder our Signe Manuall and Signet or by Order in our Privy Council in pursuance of our said Charter and according to such reasonable Laws and Statutes as now are in force or which hereafter shall be made and agreed vpon in such manner and forme as by our said Charter is directed And Wee doe hereby give and grant vnto you full power and authority where you shall see cause and shall Judge any Offender or Offenders in Capitall or Criminall matters or for any Fynes or Forfeitures due vnto vs fitt Objects of our Mercy to Pardon all such Offenders and to remitt such Fynes and Forfeitures Treasons and Willfull Murther onely excepted in which Case you shall likewise have power vpon Extraordinary Occasions to grant Reprieves to the Offenders therein to the end and vntill our pleasure be further knowne And Wee doe hereby give and Grant vnto you the said Sir William Phipps by your selfe your Captaines and Comanders by you to be authorized full Power and Authority to levy Arme muster Command or imploy all persons whatsoever resideing within our said Province and Territory of the Massachusetts Bay in New England and as occasion shall serve them to Transferr from one place to

another for the resisting and withstanding of all Enemies Pirates and Rebells both at land and Sea and such Forces with their owne Consent or with the Consent of our Council and Assembly to Transport to any of our Plantations in America as occasion shall require for the defence of the same against the Invasion or attempt of any of our Enemies and them if occasion shall require to pursue and prosecute out of the limitts of our said Province or any part thereof and if it shall soe please God them to vanquish apprehend and take and being taken either according to the Law of Armes to put to death or to keepe and pʳserve alive at your discretion Wee do further Give and Grant vnto you full Power and Authority to Erect Raise and build within our Province and Territory aforesaid such and soe many Forts Platformes Castles and Fortifications as you shall judge necessary and the same or any of them to fortifie and furnish with Ordnance Amunition and all sorts of Armes fitt and necessary for the security and defence of our said Province and from time to time to comitt the Government of the same to such person or persons as to you shall seeme meet And the said Forts and Fortifications againe to demolish or dismantle as may be most convenient and to doe and execute all and every other thing which to a Captaine Generall doth or ought of Right to belong as fully and amply as any our Captain Generall doth or hath vsually done and according to the powers hereby granted or to be granted vnto you And Wee doe further give and Grant vnto you the said Sir William Phips full power and Authority to Erect one or more Court or Courts Admirall within our said Province and Territory for the hearing and determining of all Marine and other Causes and matters proper therein to be heard with all reasonable Fees and priviledges As alsoe to exercise all powers belonging to the place and Office of vice Admirall of and in all the Seas and Coasts about your Government according to such Comissions Authorities and Instruccons as you shall receive from our

selfe or from our high Admirall or Comissioners for executeing the Office of high Admirall for the time being And Wee do hereby give and Grant vnto you the said Sir William Phipps full power and Authority to Constitute and appoint Captaines and Masters of Shipps and other Comanders and grant vnto such Captaines Masters of Shipps and other Comanders Comissions to Execute the Law Martiall in time of Actuall Warr Invasion or Rebellion and to vse such proceedings Authorities Punishments Correction and execucon vpon any Offender or Offenders which shall be mutinous Seditious disorderly or anyway vnruly either at Sea or dureing the time of their abode or residence in any of the Ports harbours or Bayes of our said Province and Territory as the Cause shall be found to require according to martiall Law Provided that nothing herein conteyned shall be construed to the enableing you or any by your Authority to hold plea or have Jurisdiccon of any Offence Cause matter or thing comitted or done vpon the high Sea or within any of the Havens Rivers or Creekes of our said Province or Territory by any Captain Comander Leiutenant master or other Officer Seaman Soldier or Person whatsoever who shall be in Actuall Service and pay in and on board any of our Shipps of Warr or other vessells acting by imediate Comission or Warrant from Our Comissioners for Executeing the Office of our high Admirall of England vnder the Seale of our Admiralty or from our high Admirall of England for the time being But that such Captain Commander Leiutenant master officer Seaman Souldier and other person so Offending shall be left to be proceeded against and tried as the meritt of their Offences shall require either by Comission vnder our great Seale of England as the Statute of the Eight and twentieth of Henry the Eighth directs or by Comission from our high Admirall for the time being according to the Act of Parliament passed in the thirteenth yeare of the Reigne of our dearest vncle King Charles the Second of blessed

memory Entituled an Act for Establishing Articles and Orders for the Regulateing and better Government of his Majesties Navy Shipps of Warr and Forces by Sea and not otherwise saveing onely that it shall and may be lawfull for you vpon any such Captaine or Comanders refuseing or neglecting to Execute or vpon his Neglect or vndue Execution of any of the Written Orders he shall receive from you for our Service and the Service of our said province and Territory to suspend him the said Captaine or Comander from the Exercise of his said Office of Commander and to comitt him to safe Custody either on board his owne Shipp or elsewhere at your discretion in Order to his being brought to Answer for the same by Comission either vnder our Great Seale of England or from our high Admirall as is before Expressed in Which Case our Will and pleasure is That the Captaine or Commander soe by you suspended shall dureing such his Suspention and Comittment be succeeded in his said Office by such Comission or Warrant Officer of our said Ship appointed by our Comissioners for executeing the Office of our high Admirall of England or by our high Admirall of England for the time being as by the known practice and discipline of our Navy does or ought next to Succeed him as in case of Death Sicknesse or other Ordinary disability happening to the Comander of any of our Shipps and not otherwise you standing alsoe accountable to vs for the truth and Importance of the Crime for which you shall soe proceed to the Suspending of such our Captain and Comander Provided alsoe that all disorders and misdemeanors comitted on shore by any Captaine Comander Leiutenant Master or other Officer Seaman Soldier or person whatsoever belonging to any of our Shipps of Warr or other Vessells acting by imediate Comission or Warrant from our Comissioners for Executeing the Office of our High Admirall of England vnder the Seale of our Admiralty or from our high Admirall of England for the time being may be tried and punished according to the

Laws of the place Where any such disorders Offences and misdemeanors shall be comitted on shoare notwithstanding such Offender be in our actuall service and borne in our pay on board any such our Shipps of Warr or other vessells acting by imediate Comission or Warrant from our Comissioners for Executeing the Office of our high Admirall as aforesaid soe as he shall not receive any protection for the avoiding of Justice for such Offences comitted on Shoare from any pretence of his being Imployed in our Service at Sea And Wee doe hereby require and Comand all Officers and Ministers Civil and Military and all other the Inhabitants of our said Province or Territory to be obedient ayding and assisting vnto you the said Sir William Phipps in the Execution of this our Comission and of the Powers and Authorities therein conteyned and vpon your death or absence to our Leivenant Governor of our said Province and vpon such your death or absence and the death or absence of our said Leivenant Governor to our Council of our said Province or Territory To whome Wee doe by these presents give and grant all and singular the powers and Authorities hereby granted vnto you to be by him or them respectively exercised and enjoyed vntill the returne of you our Governor or our Leivtenant Governor or of the arrivall or Constitution of such other Governor or leivtenant Governor as shall be thereupon Comissionated and appointed by vs And our Will and pleasure is That you the said Sir William Phipps shall and may hold execute and enjoy the Office and place of our Captain Generall and Governour in Chiefe in and over our said Province and Territory of the Massachusetts Bay in New England with all and singular the powers and Authorities hereby granted vnto you for and dureing our Will and pleasure And Whereas there are divers Collonies adjoyning to our Province of the Massachusetts Bay for the Defence and security Whereof it is requisite that due care be taken in this time of Warr And Whereas by an Act of Parliament made in the thirteenth

yeare of the reigne of our dearest vncle King Charles the Second of blessed memory It is declared that within all our Realmes and Dominions the sole and supreame power Government Comand and Disposition of the Militia and of all forces by Sea and Land and of all Forts and places of Strength is of right belonging to vs Wee have therefore thought it further necessary for our Service and for the better protection and Security of our Subjects inhabiting those parts to Constitute and appoint And Wee doe by these presents Constitute and appoint you the said Sir William Phipps to be our Leivtenant and Comander in Chief of the Militia and of all the Forces by Sea and Land within our severall Colonies of Connecticut Rhode Iseland and Providence Plantacon the Naragansett Country or Kings Province and our Province of New Hampshire and of all our Forts and places of Strength within the same And for the better Ordering Governing and ruleing our said militia and all our Forces Forts and places of Strength within all and every our Collonies and provinces aforemenconed Wee doe hereby give and grant vnto you the said Sir William Phipps and in your absence from our Territory and Dominion of New England to our leiutenant Governor of our Province of the Massachusetts Bay and all and every the like powers as in these presents are before Granted and recited for the ruleing Governing and Ordering our Militia and all our Forces Forts and places of Strength Within our Province of the Massachusetts Bay to be exercised by you the said Sir William Phipps within our said Colonies and Provinces in such your absence by you our said Leiutenant Governor of our said Province of the Massachusetts Bay for and dureing Our pleasure In Witnesse &c Witnesse our selves at Westmr the twelveth day of Dcember

By Writt of Privy Seale

——*Public Record Office, Patent Roll, 3 William and Mary, Part 9, No. 17.*

RICHARD, EARL OF BELLOMONT'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

18 June, 1697

William the Third by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c — To Our Right Trusty and Right Welbeloved Cousin Richard Earle of Bellomont *Greeting*

Whereas Wee have by Our Royall Charter under Our Great Seale of England bearing date the seventh day of October in the third yeare of Our Reigne united Erected and Incorporated the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Main in New England the Territorie of Accadia or Nova Scotia and the lands lying between the said Territory of Nova Scotia and the province of Maine aforesaid into one reall Province by the name of Our Province of the Massachusetts Bay in New England and haveing thereby granted to Our loveing Subjects the Inhabitants of our said Province or Territory of the Massachusetts Bay in New England and their Successors That there shall be a Governor a Lieutenant Governor and Secretary of our said Province and Territory to be from time to time appointed and Comissionated by us our heires and Successors with severall Priviledges Franchises and Imunities thereby granted to our said loveing Subjects

De Concessione Id Bellamont Commissionis

Wee therefore reposeing especiall Trust and confidence in your Prudence Courage and loyalty out of our especiall grace certaine knowledge and meer motōn have thought fitt to Constitute and appoint and by these Presents doe Constitute and appoint you the said **Richard Earle of Bellomont** to be Our Captaine Generall and Governour in Cheife in and over our said Province of the Massachusetts Bay in New England and for your better Guidance and direccōn Wee doe hereby require and Comand you to doe and Execute all things in due manner that shall belong unto the Trust Wee have reposed in you according to the severall Powers and Authorities mencōned in our said Charter and in these presents And such further Powers and Instruccōns and authorities as you shall receive or which shall at any time hereafter be granted or appointed you under our Signe Manuall and Signett or by order of our Privy Councill in pursuance of our said Charter and according to such reasonable lawes and Statutes as are now in force or which hereafter shall be made and agreed upon in such manner and forme as by our said Charter is directed And Wee doe hereby Give and Grant unto you full power and authority Where you shall see cause and shall Judge any Offender or Offenders in Capitall or Criminall matters or for any Fines or Forfeitures due vnto us fit Objects of Our mercie to Pardon all such Offenders and to remit such Fines and Forfeitures Treason and Wilful Murder only excepted in which Cases you shall likewise have Power upon Extraordinary occasions to Grant Reprieves to the Offenders therein to the End and vntill our Pleasure shall be further knowne And Wee doe hereby Give and Grant vnto you the said Richard Earle of Bellomont by your selfe your Captains and Commanders by you to be Authorized full power and Authority to levy arme muster Command or Employ all persons whatsoever Resideing within Our said Province and Territory of the Massachusetts Bay in New England as occasion shall Require them to Transferr from

One Place to another for the Resisting and Withstanding of all Enemies Pyratts and Rebells both att Land and Sea and such Forces with their owne Consent or with the Consent of Our Councill and Assembly to Transport to any of Our Plantations in America as occasion shall Require for the defence of the same against the Invasion or Attempts of any of Our Enemies and them if Occasion shall Require to pursue out of the limitts of Our said Province or any part thereof And if it shall soe please God them to Vanquish apprehend and take and being Taken either according to the law of Armes to put to Death or to keepe and preserve alive at your Discretion Wee doe further Give and Grant unto you full Power and Authority to Erect Raise and Build within Our Province and Territorie aforesaid such and so many Forts Platformes Castles and Fortifications as you shall Judge necessary And the same or any of them to Fortify and Furnish with Ordnance Ammunition and all Sorts of armes fit and necessary for the Security and Defence of Our said Province and from time to time to Commit the Government of the same to such Person or Persons as to you shall seem meet And the said Forts and Fortifications again to domolish[1] or Dismantle as may be most convenient and to doe and execute all and every other thing which to a Captaine Generall doth or ought of right to belong as fully and amply as any other Our Captain Generall doth or hath usually done according to the Powers hereby Granted or to be Granted to you And Wee doe hereby Give and[2] vnto you the said Richard Earle of Bellomont full Power and Authority to constitute and appoint Captains Masters and other Commanders of Shipps and to Grant vnto such Captains Masters and other Commanders of Shipps Commission to Execute the law martiall in time of Actuall Warr and Invasion or Rebellion and to vse such Proceedings Authorities Punishments Correction & Execution vpon any Offender or Offend-

[1] *Sic.* [2] *Sic:* and grant.

ers which shall be mutinous Seditious Disorderly or any way vnruly either at Sea or dureing the time of their abode or Residence in any of the Ports Harbors or Bays of Our said Province and Territory as the cause shall be found to Require according to Martiall Law Provided that nothing herein contained shall be Construed to the Enabling you or any by your Authority to hold Plea or have Jurisdiction of any Offence Cause matter or Thing committed or done upon the high sea or any the Havens Rivers or Creeks of our said Province or Territory by any Captain Comander Lievtenant Master or other Officer Seaman Soldier or Person whatsoever who shall be in actuall Service and Pay in and on Board any of Our Shipps of Warr or other Vessells acting by the imediate Comission or Warrant from our Commissioners for Executeing the Office of Our High Admirall of England vnder the Seal of Our Admiralty or from Our High Admirall of England for the time being But that such Captain Commander lievtenant Master Officer Seaman Soldier and other Person so Offending shall be left to be proceeded against and Tryed as the Merit of their Offence shall Require either by Commission under Our Great Seale of England as the Statute of the twenty Eighth of Henry the Eighth directs or by Commission from Our High Admirall for the time being according to the Act of Parliament passed in the thirteenth year of the Reigne of Our Dearest Uncle King Charles the Second of Blessed Memory entituled an Act for the regulateing and better Government of his Majesties Navy Shipps of Warr and Forces by Sea and not otherwise Saving only and that it may be lawfull for you upon any such Captaine or Commander refuseing or neglecting to Execute or upon his neglect or undue Execution of any of the written Orders he shall Receive from you for Our Service and the Service of Our said Province and Territory to suspend him the said Captain or Comander from the Exercise of his said Office of Commander and Committ him to safe custody either on

Board his owne Shipp or elsewhere at your Discretion in Order to his being brought to Answer for the[1] by Commission either vnder Our Great Seale of England or from Our High Admiral as is before expressed In which Case Our Will and pleasure is That the Captain or Commander by you Suspended shall dureing such his Suspension and Committment be succeeded in his said Office by such Commission or Warrant Officer of Our said Shipp appointed by Our Commissioners for Executeing the Office of Our High Admirall of England or by Our High Admirall of England for the time being as by the known practice and Discipline of Our Navy does and ought next to succeed him as in case of Death Sicknesse or other Ordinary disability happening to the Commanders of any of Our Shipps of Warr and not otherwise you standing alsoe accomptable to vs for the Truth and Importance of the Crime and Misdemeanors for which you shall so proceed to the Suspending of such Our Captain or Commander Provided alsoe that all Disorders and Misdemeanors committed on Board by any Captain Commander or lievtenant Master or other Officer Seaman Soldier or Person whatsoever belonging to any of our Shipps of Warr or other Vessells acting by imediate Commission or Warrant from Our Commissioners for the Executeing the Office of Our High Admirall of England under the Seale of Our Admiralty or from Our High Admirall of England for the time being may be Tryed and punished according to the lawes of the Place where any such Disorders Offences and Misdemeanors shall be comitted on Shoare Notwithstanding such Offender be in our Actuall Service and borne in Our Pay on Board any such our Shipps of War or other Vessells acting by imediate Commission or Warrant from Our Commissioners for Executeing the Office of Our High Admirall or from Our High Admirall as aforesaid Soe as he shall not Receive any Protection for the Avoiding of Justice for such Offences

[1] *Sic:* the same.

committed on Shoare from any pretence of his being employed in Our Service at Sea And further Our Will and Pleasure is that you shall not at any time hereafter by colour of any Power or Authority hereby granted or mentioned to be Granted take upon you to Give Grant or Dispose of any Office or place within Our said Province and Territories which now is or which shall be Granted vnder the Great Seale of England any further than that you may upon the Vacancy of any such Office Suspension of any Officer by[1] putt in any Person to Officiate in the Intervall until the said Place be Disposed by Us under the Great Seale of England or that Our Directions be otherwise Given therein And Wee doe hereby Require and Command all Officers and Ministers Civill and Military and all other the Inhabitants of Our said Province and Territory to be Obedient Aiding and Assisting vnto you the said Richard Earle of Bellomont in the Execution of this Our Commission and of the Powers and Authorities therein contained and upon your Death or Absence and the Death or Absence of our said lievtenant Governor to Our Councill of Our said Province and Territory for the time being To whome Wee doe by these p^r^sents Give and Grant all and singular the Powers and Authorities hereby Granted vnto you to be by him or them respectively exercised and Enjoyed vntill the returne of you Our Governor or of Our lieutenant Governor or the Arrivall or Constitution of such other Governour as shall be thereupon Commissionated and appointed by Us And Our Will and Pleasure is That you the said Richard Earle of Bellomont shall and may hold Execute and Enjoy the Office and Place of Our Captain Generall and Governor in Chiefe in and Over Our said Province and Territory of the Massachusetts Bay in New England With all and singular the Powers and Authorities hereby Granted unto you for and dureing Our Will and Pleasure And Whereas there are divers Colonies adjoyning to Our

[1] *Sic:* by you.

Province of the Massachusetts Bay for the Defence and Security whereof it is requisite that due care be taken in this time of Warr Wee have therefore thought it further necessary for Our Service and for the better Protection and Security of Our Subjects Inhabiting in those Parts to Constitute and Appoint and Wee doe by these p^r^sents Constitute and Appoint You the said Richard Earle of Bellomont to be Our Captain Generall and Commander in Chief of the Militia and of all the Forces by Sea and land within Our Colonies of Connecticutt Rhode-Island Providence Plantation and the Narraganzett Countrey or Kings Province and of all Our Forts and Places of Strength within the same And for the better Ordering Governing and Ruleing Our said Militia and all Our Forces Forts and Places of Strength within Our said Colonies of Connecticut Rhode Island Providence Plantation and the Narragansett Countrey or Kings Province Wee doe hereby Give and Grant vnto you the said Richard Earle of Bellomont and in your Absence to Our lievtenant Governor or Commander in Chief of Our Province of the Massachusetts Bay all and every the like Powers as in these Presents are before granted and Recited for the ruleing Governing Ordering Our Militia and all Our Forces Forts and Places of Strength within Our Province of the Massachusetts Bay to be Exercised by you the said Richard Earle of Bellomont and in your absence from Our Territorie and Dominion of New England by Our said lievtenant Governor or Commander in Chief of our said Province of the Massachusetts Bay within Our said Colonies of Connecticut Rhode Island Providence Plantation and the Narraganzett Countrey for and dureing Our Pleasure In Witness &c Witness our self at Westminster the eighteenth Day of June

By Writt of Privy Seale

—— *Public Record Office, Patent Roll, 9 William III, Part 6, dorse, No. 3.*

JOSEPH DUDLEY'S SECOND COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

1 April, 1702

Anne by the Grace of God &c To our Trusty and Welbeloved Joseph Dudley Esquire *Greeting*

Whereas our late Royal Brother and Sister King William and Queen Mary of Blessed memory by their Charter vnder their Great Seale of England bearing date the seaventh day of October in the third yeare of their Reigne have vnited Erected and Incorporated the Colony of the Massachusetts Bay the Colony of New Plymouth the Province of Main in New England the Territorie of Accadie or Nova Scotia and the land lying between the said Territorie of Nova Scotia and the Province of Main aforesaid into one real Province by the name of the Province of the Massachusetts Bay in New England and have thereby granted to Our loveing Subiects the Inhabitants of our said Province or Territory of the Massachusetts Bay in New England and their Successors That there shall be a Governor a lieutenant Governor and a Secretarye of our said Province and Territory to be from time to time appointed and Comissionated by vs our heires and Successors With severall Priviledges Franchises and Immunities thereby granted to our said loveing Subiects Wee therefore Reposeing especiall

De Concessione Dudley *Armigero* Commissionis

Trust and confidence in your Prudence Courage and loyalty out of our especial Grace certaine Knowledge and meer mocon have thought fitt to Constitute and appoint And by these presents Doe Constitute and appoint you the said **Joseph Dudley** to be our Captaine Generall and Governor in Cheife in and over our said Province of the Massachusetts Bay in New England And for your better Guidance and Directions Wee do hereby Require and Command you to doe and execute all thinge in due manner that shall belong vnto the Trust Wee have reposed in you according to the severall Powers and Authorities menconed in the said Charter and in these Presents and such further Powers and Instruccons and Authorities as you shall receive or which shall at any time hereafter be granted or appointed you vnder our Signe Manual and Signett or by Order of Our Privy Councill in Pursuance of the said Charter and according to such reasonable laws and Statutes as are now in force or which hereafter shall be made and agreed vpon in such manner and forme as by the said Charter is directed And Wee do hereby give and Grant vnto you full power and Authority where you shall see Cause and shall Judge any offender or Offenders in Capitall or Crimenall matters for any Fines or Forfeitures due vnto vs fitt obiects of our mercy to Pardon all such Offenders and to Remitt such Fines and Forfeitures Treason and Wilfull murder only Excepted In which Cases you shall likewise have power vpon extraordinary occasions to grant Repreives to the Offenders therein To the end and vntill our pleasure shall be further knowne And Wee Doe hereby Give and Grant vnto you the said Joseph Dudley by your selfe your Captaines and Commanders by you to be authorized full Power and Authority to levy arm muster Comand or employ all persons Whatsoever resideing within our said Province and Territorie of the Masachusetts Bay in New England and as occasion shall require them to Transferr from one place to another for the resisting and withstanding of all

Enemies Pirates and Rebells both at land and Sea and such Forces with their owne consent or with the Consent of our Councill and Assembly to Transport to any of our Plantacoñs in America as occasion shall require for the Defence of the same against the Invasion or Attempts of any of our Enemies and such Enemies Pirates and Rebells if occasion shall require to pursue and prosecute in or out of the limits of our said Province or any part thereof And if it shall soe please God them to vanquish apprehend and take and being taken either according to law to put to death or to keepe and preserve alive at your discretion Wee do further give and Grant vnto you full power and authority to Erect raise and build within our Province and Territory aforesaid such and so many Forts Platformes Castles and Fortificacons as you shall iudge necessary and the same or any of them to fortify and furnish with Ordnance Ammunicon and all sorts of Armes fit and necessary for the Security and defence of our said Province and from time to time to Committ the Government of the same to such Person or Persons as to you shall seeme meet And the said Forts and Fortificacons againe to demolish or dismantle as may be most convenient and to doe and execute all and every other thing which to a Captaine Generall doth or ought of Right to belong as fully and amply as any other our Captaine Generall doth or hath vsually done according to the Powers hereby granted or to be granted to you And Wee Doe hereby give and Grant vnto you the said Joseph Dudley full power and authority to constitute and appoint Captaines masters and other Commanders of Shipps and to grant vnto such captaines masters and other Comanders of Shipps Comissions to execute the law martiall dureing the time of Actual Warr Invasion or Insurreccon and to vse such Proceedings Authorities Punishments Correccons and Execucons vpon any Offender or Offenders which shall be mutinous seditious disorderly or any way vnruly either at Sea or during the time of their abode or Residence

in any of the Ports Harbors or Bays of our said Province and Territorie as the Cause shall be found to require according to martiall law during the time of Warr as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your Authority to hold Plea or have Jurisdiccon of any Offence Cause matter or thing committed or done vpon the high Sea or within any of the Havens Rivers or Creeks of our said Province or Territories vnder your Government by any Captain Comander lievtenant master or other Officer Seaman Soldier or Person Whatsoever who shall be in actuall Service and pay in and on Board any of our Shipps of Warr or other Vessells Acting by Immediate Comission or Warrant from our High Admirall of England now and for the time being vnder the Seale of our Admiralty or from our Comissioners for executeing the Office of our high Admirall of England for the time being But that such Captaine Commander lievtenant master Officer Seaman Soldier or other Person soe offending shall be left to be proceeded against and Tryed as the meritt of their offences shall require either by Comission vnder our Great Seale of England as the Statute of the Eight and twentieth of Henry the Eighth directs or by Comission from our high Admirall of England now and for the time being or from our Commissioners for executing the office of our High Admirall of England for the time being according to the Act of Parliament passed in the thirteenth yeare of the Reigne of our Dearest vncle King Charles the second of blessed memory Entituled, An Act for the Establishing Articles and Orders for the Regulateing and better Government of his maiesties Navy Shipps of Warr and forces by Sea, and not otherwise. Saveing onely that it shall and may be lawfull for you vpon any such Captaine or Comanders refuseing or neglecting to execute or vpon his negligent or vndue Execucon of any the Written Orders he shall receive from you for our Service and the Service of our said Province and Territorie to Sus-

pend him the said Captaine or Commander from the Exer-
cise of his said Office of Comander and comitt him into safe
Custodie either on Board his owne Shipp or elsewhere at
your own discretion in Order to his being brought to Answer
for the same by Comission either vnder our Great Seale of
England or from our high Admirall of England now and for
the time being or from our Comissioners for executeing the
Office of our high Admirall of England for the time being as
is before expressed In which Case our Will and pleasure is
That the Captaine or Comander so by you suspended shall
during such his Suspencon and Comittment be Succeeded in
his said Office by such Comission or Warrant Officer of our
said Ship appointed by our High Admirall of England now
and for the time being or by our Comissioners for Execute-
ing the Office of our high Admirall of England for the time
being as by the known practice and Discipline of our Navy
do's and ought next to Succeed him as in case of death Sick-
nesse or other ordinary disability happening to the Comand-
ers of any of our Shipps of Warr and not otherwise you
standing also accountable to vs for the Truth and Import-
ance of the Crimes and misdemeanors for which you shall
soe proceed to the suspending of such our Captaine or Com-
mander Provided also That all disorders and misdemeans[1]
comitted on Shore by any Captaine Commander lievtenant
master or other Officer Seaman Soldier or person whatso-
ever belonging to any of our Shipps of Warr or other ves-
sells Acting by immediate Comission or Warrant from our
high Admirall of England now and for the time being vnder
the Seale of our Admiralty or from our Comissioners for
executeing the Office of our high Admirall of England for
the time being may be tryed and punished according to the
laws of the Place Where any such Disorders Offences and
misdemeanors shall be soe comitted on Shore notwithstand-
ing such Offender be in our Actuall Service and in our pay on

[1] *Sic.*

Board any such our Shipps of Warr or other Vessells acting by immediate Comission or Warrant from our high Admirall of England now and for the time being or from our Commissioners for executing the office of our high Admirall of England as aforesaid Soe as he shall not receive any Protecc̄on for the avoiding of Justice for such Offences committed on Shore from any pretence of his being imployed in our Service at Sea And further our Will and pleasure is that you shall not at any time hereafter by colour of any power or authority hereby granted or mencōned to be granted take vpon you to give grant or dispose of any Office or Place within our said Province and Territories which now is or shall be granted vnder the Great Seale of England any further then that you may vpon the vacancy of any such Office or suspencōn of any Officer by you put in any person to Officiat in the Intervall vntill the said place be disposed of by vs our heires or Successors vnder the Great Seale of England or that our Direccōns be otherwise given therein And Wee do hereby require and Comand all Officers and Ministers Civil and military and all other the Inhabitants of our said Province and Territorie to be obedient aiding and assisting vnto you the said Joseph Dudley in the Execucōn of this our Comission and of the Powers and authorities therein conteined And vpon your death or absence out of our said Province and Territories To our lievtenant Governor of our said Province And vpon such your death or absence and the death or absence of our said lievtenant Governor to our Councill of our said Province and Territory for the time being To whom Wee do by these Presents Give and grant all and singular the Powers and Authorities hereby granted unto you to be by him or them respectively exercised and enioyed vntill the Returne of you our Governor or of our lievtenant Governor or the Arrivall or Constitucōn of such other Governor as shall be thereupon commissionated and appointed by vs And

our Will and pleasure is That you the said Joseph Dudley shall and may hold execute and enioy the Office and place of our Captaine Generall and Governor in Cheif in and over our said Province and Territories of the Massachusetts Bay in New England With all and singular the Powers and Authorities hereby granted vnto you for and dureing our Will and pleasure And Whereas there are divers Colonies adioyning to our Province of the Massachusetts Bay for the Defence and Security whereof it is requisite That due care be taken in the time of Warr Wee have therefore thought it further necessary for our Service and for the better Protecc$\overline{\text{on}}$ and Security of our Subiects inhabiting those parts to Constitute and appoint and Wee doe by these presents Constitute and appoint you the said Joseph Dudley to be our Captaine Generall and Commander in Chiefe of the militia and of all the Forces by Sea and land within our Colonies of Rhode Island and Providence Plantac$\overline{\text{on}}$ and the Narraganset Country or Kings Province and of all our Forts and places of Strength within the same And for the better Ordering Governing and Ruleing of our said Militia and all our Forces Forts and places of Strength within our said Colonies of Rhode Island and Providence Plantac$\overline{\text{on}}$ and Narraganset Country or Kings Province Wee do hereby give and Grant vnto you the said Joseph Dudley and in your absence to our lievtenant Governor or Comander in Chief of our Province of the Massachusetts Bay all and every the like Powers as in these presents are before granted and recited for the Ruleing Governing and Ordering our Militia and all our Forces Forts and places of Strength within our Province of the Massachusetts Bay to be exercised by you the said Joseph Dudley and in your absence from our Territory and Dominion of New England by our said lievtenant Governor or Commander in Cheife of our said Province of the Massachusetts Bay for the time being within our said Colonies of Rhode Island and Providence Plantacon and the Narraganset Country or

King[1] Province for and dureing our Pleasure And lastly We have determined and made void and by these presents do determine and make void the like Comission[2] or Letters Patents vnder the Great Seale of England bearing date at Westminster the thirteenth day of February now last past granted by our said late Royall Brother King William the third vnto the said Joseph Dudley In Witnesse &c Witnesse our selfe at Westminster the first day of April

By Writt of Privy Seale

—— *Public Record Office, Patent Roll, 1 Anne, 3424, No. 8.*

[1] *Sic.*

[2] Dudley's Commission of 13 February, 1701–2, of which a copy came too late for insertion in its proper place, will be found in the Appendix, pp. 391–396, *post.*

ELIZEUS BURGES'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

17 March, 1714–15

Georgius Dei gratia Magnæ Britanni[1] Francie et Hib*ernie* Rex Fidei Defensor &c*a* Omnibus ad quos presentes L*ite*re n*ost*re perven*er*int Sal*ut*em Inspeximus Irrotulamen*tum* quarundam L*ite*rarum Paten*tium* geren*tium* dat*am* apud Westm*onasterium* decimo septimo die Marcii Anno Regni n*ost*ri primo Fact*arum* et Concess*arum* et in Cur*ia* Cancellar*ie* n*ost*re Irrotulat*arum* ac ibidem de Recordo remanen*tium* qua*rum* tenor sequitur in hec verba[2]

George by the Grace of God &c[3] To our Trusty and Wellbeloved Elizeus Burges Esquire *Greeting*

Whereas by a Royal Charter, vnder the Great Seal of England bearing date the seventh day of October in the third year of the Reign of King William the Third the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Main in New England the Territories of Accadie or Nova Scotia and the Lands lying

De Concessione Burges Ar*migero* Commission*is*[3]

[1] The final "e" or "æ" is omitted for lack of space on the parchment.

[2] This paragraph is in the Exemplification, but not in the copy in the Patent Roll.

[3] These words are in the copy in the Patent Roll, but not in the Exemplification.

between the said Territory of Nova Scotia and the Province of Maine aforesaid were vnited Erected and Incorporated into one Real Province by the Name of our Province of the Massachusets Bay in New England And Did thereby Grant to his loving Subjects the Inhabitants of the said Province or Territory of the Massachusets Bay in New England and their Successors That there should be a Governor or Lievtenant Governor and Secretary of the said Province and Territory to be from time to time appointed and Comissionated by the said King William his Heires and Successors with several Priviledges Franchises and Immunities thereby Granted to his said loveing Subjects And whereas our late Royal Sister Anne Queen of Great Britain &c Did by her Letters Pattents vnder her Great Seal of England bearing Date at Westminster the first day of April in the first year of her Reign Constitute and appoint her Trusty and Welbeloved Joseph Dudley Esquire to be her Governor and Commander in Chief in and over her Province of the Massachusets Bay in New England for and during her Pleasure as by the said several and respective Letters Patents (relation being thereunto had) may more fully and at large appear In which said Office by virtue of the Statute in such case made and provided and of our Royal Proclamation for that purpose Issued he is continued vntill Wee shall Declare our further pleasure concerning the said Office Now know yee That Wee have Revoked and determined and by these presents Do Revoke and determin the said recited Letters Patents bearing date the First day of April in the first year of her said late Majesties Reign and every Clause Article and thing therein contained and his continuance in the said Office and him from the said Office Wee Do Remove by these Presents And further know yee that Wee reposeing Especial Trust and Confidence in your prudence Courage and Loyalty out of our especial Grace certain Knowledge and meer Mōcon Have thought fit to constitute and appoint and by these presents

Do Constitute and appoint you the said Elizeus Burges to be our Captain General and Governor in Chief in and over our said Province of the Massachusets Bay in New England And for your better Guidence and Direction Wee do hereby Require and Comand you to do and Execute all things in due manner that shall belong vnto the Trust Wee have Reposed in you according to the severall powers and Authorities mencond in the said Charter and in these presents and such further powers Instructions and Authorities as you shall receive or which shall at any time hereafter be granted or appointed you vnder our Sign Manual and Signet or by Order of our Privy Council in Pursuance of the said Charter and according to such reasonable Laws and Statutes as are now in Force or which hereafter shall be made and agreed vpon in such manner and form as by the said Charter is directed And our Will and pleasure is That you the said Elizeus Burges after the Publicacon of these our Letters Patents do in the first place take the Oathes appointed by Act of Parliament to be taken instead of the Oathes of Allegiance and Supremacy and the Oath menconed in an Act passed in the sixth year of her late Majesties Reign Entituled An Act for the Security of her Majesties person and Government and of the Succession to the Crown of Great Britain in the Protestant line As also that you make and Subscribe the Declaracon menconed in An Act of Parliament made in the Twenty fifth year of the Reign of King Charles the Second Entituled An Act for preventing dangers which may happen from popish Recusants And likewise that you take the vsuall Oath for the due Execucon of the Office and Trust of our Captain General and Governour in Chief in and over our said Province for the due and Impartial Administracon of Justice And further that you take the Oath required to be taken by Governors of Plantacons to do their utmost that the severall Laws Relating to Trade and Plantations to be observed which said Oaths and Declaracons our Council of our said

Province or any three of the members thereof have hereby full power and authority and are required to tender and Administer vnto you and in your absence to our Lievtenant Governor of our said Province if there be any vpon the place All which being duly performd you shall Administer to each of the members of our said Council and to our said Lieutenant Governor if there be any vpon the place the said Oaths appointed by law to be taken instead of the Oathes of Allegiance and Supremacy and the Oath menc̄oned in the said Act Entituled An Act for the Security of her Majesties Person and Government and of the Succession to the Crown of Great Britain in the Protestant line As also to cause them to make and Subscribe the foremenc̄oned Declarac̄on and to Administer to them the Oath for the due Execuc̄on of their places and Trusts As also that you Administer or cause to be Administred vnto all the Members that shall be Elected to serve in the Generall Assembly of our said Province the said oathes appointed by Act of Parliament to be taken instead of the Oathes of Allegiance and Supremacy and the Oath menc̄oned in the aforesaid Act Intituled An Act for the Security of her Majesties person and Government and of the Succession to the Crown of Great Britain in the Protestant line and likewise cause them to make and subscribe the aforemenc̄oned Declarac̄on and vntill the same shall be so taken and Subscribed no person shall be capable of sitting though Elected And Wee Do hereby give and grant vnto you full power and Authority where you shall see Cause and shall judge any Offender or Offenders in Capital or Criminall matters or for any Fines or Forfeitures due vnto vs fitt Objects of our mercy to pardon all such Offenders and to Remit such Fines and Forfeitures (Treason and wilfull murder only Excepted) in which cases you shall likewise have power vpon extraordinary occasions to Grant Reprieves to the Offenders therein to the end and vntill our pleasure shall

be further known And Wee do hereby give and grant unto you the said Elizeus Burges by your selfe your Captains and Comanders by you to be Authorized full power and authority to levy Arm Muster Comand or Employ all persons whatsoever residing within our said Province and Territory of the Massachusets Bay in New England and as occasion shall Require them to Transport from one place to another for resisting and withstanding of all Enemies Pirates and Rebells both at Land and Sea and such Forces with their own consent or with the Consent of our Council and assembly to transport to any of our Plantations in America as Occasion shall require for the Defence of the same against the Invasion or Attempts of any of our Enemies and such Enemies Pirates and Rebells if occasion shall require to pursue and prosecute in or out of the limitts of our said Province or any part thereof And if it shall so please God them to vanquish apprehend and take and being taken either according to Law to put to death or to keep and preserve alive at your Discretion And Wee do further Give and grant vnto you full power and authority to Erect raise and build within our Province and Territory aforesaid such and so many Forts Platforms Castles and Fortificacons as You shall Judge necessary And the same or any of them to Fortify and Furnish with Ordnance Ammunition and all sorts of Arms fit and necessary for the security and Defence of our said Province and from time to time to commit the Government of the same to such person or psons as to you shall seem meet & the said Forts and Fortificacons again to Demolish or Dismantle as may be most convenient and to do and Execute all and every other thing which to a Captain Generall doth or ought of right to belong as fully and amply as any other Our Captain General doth or hath vsually done according to the Powers hereby granted or to be granted to you And wee do hereby Give and grant vnto you the said Elizeus Burges full power and authority to Constitute and

appoint Captains Masters & other Comanders of Ships and grant vnto such Captains Masters and other Comanders of Ships Comissions to Execute the law Martiall according to the direccons of an Act passed in the thirteenth year of King Charles the second for the Regulating and better government of his Majesties Navy Ships of Warr and forces by sea during the time of Actual War Invasion or Insurrection and to vse such proceedings Authorities Punishments Correction and Execucon vpon any Offender or Offenders which shall be Mutinous Seditious disorderly or any way vnruly either at Sea or during the time of their abode or Residence in any of the Ports Harbours or Bays of our said Province and Territory as the Cause shall be found to require according to Martiall law and the said directions during the time of War as aforesaid Provided that nothing herein contained shall be construed to the Enabling you or any by your Authority To hold Plea or have Jurisdiccion of any Offence cause matter or thing comitted or done vpon the high Sea or within any the Havens Rivers or Creeks of our said Province or Territories under your Government by any Captain Comander Lieutenant Master or other Officer Seaman Soldier or Person whatsoever who shall be in Actuall Service and Pay in or on Board any of our Ships of War or other vessels Acting by imediate Comission or Warrant from our Comissioners for executing the Office of our High Admiral of Great Britain vnder the Seal of our Admiralty or from our High Admirall of Great Britain for the time being But that such Captain Comander Lievtenant Master Officer Seaman Soldier or other person so offending shall be left to be proceeded against and tryed as the merit of their Offences shall require either by Comission vnder our Great Seal of Great Britain as the Statute of the Twenty Eighth of Henry the Eighth directs or by Comission from our said Comissioners for Executing the Office of our high Admiral of Great Britain or from our high

Admiral of Great Britain for the time being according to the Act of Parliament passed in the Thirteenth year of the Reign of King Charles the second Entituled An Act for ye establishing Articles and Orders for the regulating & better Government of his Majesties Navy Ships of War and Forces by Sea and not otherwise Provided also that all Disorders and Misdemeanors comitted on Shoar by any Captain Comander Lievtenant Master or other Officer Seaman Soldier or other person whatsoever belonging to any of our Ships of War or other vessells acting by imediate Comission or Warrant from our Comissioners for Executing the Office of our high Admiral of Great Britain vnder the Seal of our Admiralty or from our High Admiral of Great Britain for the time being may be Tryed and Punished according to the Laws of the place where any such Disorders Offences and Misdemeanors shall be so comitted on Shoar notwithstanding such Offender be in our actuall service and born in our pay on Board any such our Ships of War or other Vessells acting by imediate Commission or Warrant from our Comissioners for Executing the Office of our high Admirall or from our high Admirall as aforesaid so as he shall not receive any protection for the avoiding of Justice for such offences comitted on shoar from any pretence of his being Employed in our service at Sea And further our Will and Pleasure is that you shall not at any time hereafter by colour of any power or Authority hereby granted or menconed to be granted take vpon you to give grant or dispose of any Office or place within our said Province and Territories which now is or shall be granted vnder the Great Seal of Great Britain any further than that you may vpon the vacancy of any such Office or suspencon of any Officer by you put in any person to Officiate in the Interval vntill the said place be disposed of by vs Our heires and Successors vnder the Great Seal of Great Britain or that our directions be otherwise given therein And Wee

Do hereby Require and Comand all Officers and Ministers Civill and Military and all other the Inhabitants of our said Province and Territory to be obedient aiding and Assisting vnto you the said Elizeus Burges in the Execution of this our Comission and of the Powers and Authorities therein contained and in case of your Death or absence out of our said Province and Territories to be obedient aiding and assisting vnto such person as shall be appointed by vs to be our Lievtenant Governour or Comander in Chief of our said Province and Territories to whom Wee do therefore by these presents give and grant all and singular the powers and authorities herein Granted to be by him Executed and enjoyed during our pleasure or vntill your arrival within our said Province and if vpon your Death or absence out of our said Province there be no person vpon the place Comissionated or appointed by vs to be our Lievtenant Governor or Commander in Chief of our said Province and Territories our Will and pleasure is that our Council of our said Province for the time being do take vpon them the Administracon of the Government and Execute our said Comission and Instructions and the severall powers and Authorities therein contained in the same manner and to all intents and purposes as our Governor or Commander in Chief of our said Province and Territory should or ought to do in case of your absence vntill your Returne or in all Cases vntill our further pleasure be known therein and that in such Case the Eldest Councilor present at each Meeting of the said Council shall always preside therein And our pleasure is that you the said Elizeus Burges shall and may hold Execute and enjoy the Office and place of our Captain General and Governour in Chief in and over our said Province and Territories of the Massachusets Bay in New England with all and singular the Powers and Authorities hereby granted vnto you for and during our Will and pleasure And Whereas there are Divers Colonies adjoining to Our Province of the Massachusets Bay for the Defence and

security whereof it is Requisite that due care be taken in the time of War Wee have therefore thought it further necessary for our Service and for the better Protection and Security of our Subjects Inhabiting those parts to constitute and appoint And Wee do by these presents Constitute and appoint you the said Elizeus Burges to be our Captain General and Comander in Chief of the Militia and of all the Forces by Sea and Land within our Colonies of Rhode Island and Providence Plantacon the Narraganset Country or Kings Province and of all our Forts and Places of strength within the same And for the better Ordering governing and Ruling our said Militia and all our Forces Forts and places of Strength within our said Colonies of Rhode Island and Providence Plantacon and the Narraganset Country or Kings Province Wee do hereby give and Grant vnto you the said Elizeus Burges and in your absence to our Lieutenant Governour or Comander in Chief or Council of our Province of the Massachusets Bay for the time being as aforesaid all and every the like powers as in these presents are before Granted and recited for the Ruleing Governing and Ordering our Militia and all our Forces Forts and places of Strength within our Province of the Massachusets Bay to be Exercised by you the said Elizeus Burges and in your absence from our Territory and Dominion of New England by our said Lievtenant Governor or Comander in Chief of our said Province of the Massachusets Bay for the time being within our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province for and during our Pleasure

In witnesse &c Witnesse our Selfe at Westm the seventeenth Day of March By Writt of Privy Seal[1] Paten' de Anno *Regni Regis* Georgii primo Nos autem tenor*em* p*re*missor*um* p*redictorum* ad Requisic*i*onem Elizei Burges Ar*migeri* Duximus Exemplificand*um* per presentes In cujus rei Testimoniu*m* has L*ite*ras Fieri fecimus Patentes Teste me ipso

[1] What follows is found in the Exemplification only.

apud Westm*onasterium* primo die Septembr*is* Anno Regni no*st*ri secundo

TREVOR MATTHIAS

Examinat*um* per Nos { ROB^T HOLFORD et WILL ROGERS } Mag*istros* in Canc*ellaria*

——*Public Record Office, Patent Roll, 1 George I, Part 8, No. 25.* Compared with the Exemplification[1] in the library of the Massachusetts Historical Society (*171. 2. 4*).[2]

[1] This Exemplification, which was given to the Massachusetts Historical Society about 1810, is the only document of the sort (among the Commissions printed in this volume) that is now known to be extant. It is engrossed on three sheets of parchment (the initial letter containing a representation of George I), and appending is the Great Seal of England (now broken).

[2] The differences between the Exemplification and the copy in the Patent Roll are noted in footnotes.

SAMUEL SHUTE'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

15 June, 1716

DRAUGHT OF A COMMISSION FOR SAMUEL SHUTE ESQ^R TO BE GOVERNOR OF THE MASSACHUSETTS BAY May the 10th

George by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c^a To Our Trusty & Well beloved Samuel Shute Esqr *Greeting.*

Whereas by a Royal Charter, under the Great Seal of England bearing date the seventh day of Octr in the third Year of the Reign of King William the third, the Colony of the Massachusets Bay, the Colony of New Plimouth, the Province of Maine in New England, the Territory of Accadie or Nova Scotia, and the Lands lying between the said Territory of Nova Scotia and the Province of Maine aforesaid, were united, erected & incorporated into one Real Province, by the name of our Province of the Massachusets Bay in New England, & his said Majesty did thereby grant to our loving Subjects the Inhabitants of our said Province or Territory of the Massachusets Bay in New England & their Successors, that there shall be a Governor, a Lieu^t Governor & Secretary of our Said Province and Territory, to be from

time to time appointed & Commissionated by the said King William, his Heirs and Successors with several Priviledges, Franchises and Immunities thereby granted to our said loving subjects; We therefore reposing especial Trust & Confidence in your Prudence, Courage and Loyalty, out of our especial Grace, certain Knowledge and Meer Motion, have thought fitt to constitute and appoint, and by these Presents, do constitute and appoint You the said **Samuel Shute** to be our Cap[t] General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England; And for your better Guidance and Direction,

To execute this Commission according to Instructions

We do hereby require and command you to do and execute all things in due manner, that shall belong unto the Trust We have reposed in you, according to the several Powers and Authorities mentioned in the said Charter, and in these Presents, and such further Powers and Instructions & Authorities as you shall receive, or which shall at any time hereafter be granted or appointed you under our Sign Manual and Signet, or by Order of our Privy Council, in pursuance of the said Charter, and according to such reasonable Laws and Statutes as are now in Force or which hereafter shall be made and agreed upon, in such manner and form as by the said Charter is directed.

To take the Oaths

And Our Will and Pleasure is, that you the said Samuel Shute after the Publication of these our Letters Patents do in the first Place take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy & the Oath mentioned in an Act pass'd in the first year of our Reign, entituled, *An Act for the further Security of his Majesty's Person and Government & the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; And the Extinguishing the Hopes of the Pretended Prince of Wales and his open and secret Abettors.* As also that you make and subscribe the Declaration mentioned in an Act of Parliam[t] made in y[e] 25th year of the Reign of

King Charles the 2nd Entituled *An Act for preventing Dangers which may happen from Popish Recusants;* And likewise that you take the usual Oath for the due Execution of the Office & Trust of our Captn General and Govr in Chief in and over Our said Province, for the due and impartial Administration of Justice; And further that you take the Oath required to be taken by Govrs of Plantations to do their utmost that the several Laws relating to Trade and Plantations, be observed; which said Oaths and Declarations Our Council of Our said Province or any three of the Members thereof have hereby full Power and Authority and are required to tender and administer unto you, and in your Absence to Our Lieut Governor of our said Province, if there be any upon the Place. All which being duly performed, You shall administer to Each of the members of our said Council, and to Our said Lieut Governor, if there be any upon the Place, the said Oaths appointed by Law to be taken instead of the Oaths of Allegiance and Supremacy and the Oath mentioned in the said Act entituled, *An Act for the further Security of his Majesty's Person and Governmt & the succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the Pretended Prince of Wales and his open and secret Abettors.* As also to cause them to make and subscribe the forementioned Declaration, & to administer to them the Oath for the due Execution of their Places and Trusts. As also that you administer or cause to be administered unto all the Members that shall be elected to serve in the Generall Assembly of our said Province the said Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance Supremacy, and the Oath mention'd in the foresaid Act Entituled, *An Act for the further Security of his Majesty's Person and Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the Pretended Prince of Wales, and his open and secret*

To administer the Oaths to the Lt Govr and Council

To Administer the Oaths to Assembly Men

Abettors. And likewise cause them to make and subscribe the forementioned Declaration, And until the same shall be so taken & subscribed, no person shall be capable of sitting, tho' elected.

And We do hereby give and grant unto you full Power and Authority, where you shall see cause, and shall judge any Offender or Offenders in Capitall or Criminal Matters, or for any Fines or Forfeitures due unto Us, fit objects of our Mercy, to pardon all such Offenders, & to remit such Fines and Forfeitures (Treason and Wilfull Murder only excepted) In which Cases you shall likewise have Power upon extraordinary Occasions to grant Reprieves to the Offenders therein, to the End and until our Pleasure shall be further known.

To pardon or Reprieve Offenders

And We do hereby give and grant unto You the said Samuel Shute, by yourself, your Captains & Commanders by you to be Authorized, full Power and Authority, to levy, arm, muster, Comand or employ all Persons whatsoever, residing within our said Province & Territory of the Massachusets Bay in New England, and as occasion shall require, them to transport from one Place to another, for resisting & withstanding of all Enemies, Pirates & Rebels, both at Land & Sea, and such Forces with their own Consent or with the Consent of our Council and Assembly to transport to any of our Plantations in America as occasion shall require, for the Defence of the same, against the Invasion or Attempts of any of our Enemies; and such Enemies, Pirates and Rebels, if occasion shall require, to persue and prosecute in or out of the Limits of our said Province or any parts thereof.

To Arm &c the People against Enemies

And if it shall so please God, them to vanquish apprehend and take, and being taken, either according to the Law of Arms, to put to Death, or to keep and preserve alive, at your Discretion.

To put Enemies to Death at Discretion

We do further give and grant unto you full Power and

Authority to erect, raise and build, within our Province and Territory aforesaid, such and so many Forts, Platforms, Castles and Fortifications as you shall judge necessary; And the same or any of them to fortify and furnish with Ordinance, Ammunition, and all sorts of Arms, fit and necessary for the Security and Defence of our said Province, and from time to time to commit the Government of the same to such Person or Persons as to you shall seem meet, and the said Forts and Fortifications again to demolish or dismantle as may be most Convenient; And to do and execute all & every other thing wch to a Captain Genl doth or ought of Right to belong, as fully & amply as any other our Capt General doth or hath usually done, according to the Powers hereby granted or to be granted to You.

To build Forts

And we do hereby give and grant unto You the said Samuel Shute full Power and Authority to constitute and appoint Captains, Masters and other Commanders of Ships, and grant unto such Captains, Masters and other Commanders of Ships, Commissions to execute the Law Martial, during the time of actual War, Invasion or Insurrection, and to use such Proceedings, Authorities, Punishm^ts^ Correction & Execution upon any Offender or Offenders which shall be Mutinous, Seditious, disorderly or any way unruly either at sea, or during the time of their Abode or Residence in any of the Ports, Harbours or Bays of our said Province and Territory, as the Cause shall be found to require, according to Martial Law, during the time of War, as aforesaid.

To appoint Commander of Ships

Provided that nothing herein contained shall be construed to the inabling you or any by your Authority, to hold plea or have Jurisdiction of any Offence, Cause Matter or thing committed or done upon the high Sea, or within any of the Havens Rivers or Creeks of our said Province or Territories under your Governm^t^ by any Captain, Commander, Lieu^t^, Master or other Officer, Seaman, Soldier

Not to punish offences on Board Ships of War

or Person whatsoever, who shall be in actual Service & Pay in or on Board any of our Ships of War or other Vessells acting by Immediate Commission or Warrant from our Commiss^{rs} for executing the Office of Our High Admiral of Great Brittain under the Seal of Our Admiralty, or from our High Admiral of Great Brittain for the time being; But that such Captain, Commander, Lieu^{t}, Master, officer Seaman, Soldier or other Person so offending, shall be left to be proceeded against, and tryed, as the merit of their Offences shall require, either by Commission under our Great Seal of Great Brittain, as the Statute of the 28th of Henry the 8th directs, or by Commission from our said Commissioners for executing the Office of Our High Admiral of Great Britain or from Our High Admiral of Great Britain for the time being, according to the Act of Parliam^{t} passed in the 13th year of the Reign of King Charles the 2^{d}, Entituled *An Act for the establishing Articles and Orders for the regulating and better Government of His Majesty's Navy, Ships of War and Forces by sea,* and not otherwise. Provided also that all Disorders and Misdemeanors committed on Shore, by any Capt, Commander, Lieu^{t}, Master or other Officer, Seaman, Soldier or Person whatsoever, belonging to any of Our Ships of War, or other Vessells, acting by immediate Commission or Warrant from Our Commiss^{rs} for Executing the Office of Our High Admiral of Great Brittain under the Seal of our Admiralty, or from Our High Admiral of Great Brittain for the time being, may be tryed and punished according to the Laws of the Place, where any such Disorders, Offences & Misdemeanors shall be so committed on shore, notwithstanding such Offender be in Our actual service, & born in our Pay on Board any such our Ships of War or other Vessells acting by Immediate Commission or Warrant from Our Commiss^{rs} for executing the Office of Our High Admiral, or from Our High Admiral, as aforesaid, so as He shall not receive any Protection for the avoiding of Justice, for such Offences

comitted on shore from any pretence of his being imployed in Our Service at Sea.

And further Our Will & Pleasure is, that you shall not at any time hereafter, by colour of any Power or Authority hereby granted or mention'd to be granted, take upon You to give, grant or dispose of any Office or Place within our said Province and Territories, which now is, or shall be granted, under the Great Seal of Great Brittain, any further than that You may upon the Vacancy of any such Office or Suspension of any Officer by You, put in any Person to officiate in the Interval until the said place be disposed of, by Us Our Heirs, or Successors under the Great Seal of Great Brittain, or that Our Directions be otherwise given therein.

Not to dispose of Patent Places

And We do hereby require and Command all Officers and Ministers Civil and Military, And all other the Inhabitants of Our said Province and Territory, to be obedient, aiding and assisting unto you the said Samuel Shute in the Execution of this Our Commiss^n and of the Powers & Authorities therein contain'd, and in case of your Death or Absence out of Our said Province and Territories, to be obedient, aiding and assisting unto such Person as shall be appointed by Us to be Our Lieu^t Governor Commander in Chief of Our said Province and Territories, to whom We do therefore by these Presents give and grant all and singular the Powers and Authorities herein granted, to be by him executed and enjoyed during Our Pleasure, or until your Arrival within Our said Province.

All persons to aid the Governor

And if upon your Death, or Absence out of Our said Province, there be no Person upon the Place commissionated or appointed by us to be our Lieu^t Govr or Commander in Chief of Our said Province and Territories, Our Will and Pleasure is, that Our Council of Our said Province for the time being do take upon them the Administration of the Government, and execute Our said Commission and Instructions,

Devolution of Government

and the several Powers and Authorities therein contained, in the same manner and to all Intents and Purposes, as Our Govr or Commander in Chief of Our said Province & Territory should or ought to do in case of your Absence untill your Return or in all cases untill Our further[1] be known therein and that in such case the Eldest Councillor: present at each Meeting of the said Council shall always preside therein.

To be Govr during the King's Pleasure

And Our Pleasure is that You the said Samuel Shute shall and may hold execute and enjoy the Office and Place of Our Capt General and Govr in Chief in and over Our said Province and Territories of the Massachusets Bay in New England, with all and singular the Powers and Authorities hereby granted unto You, for & during Our Will and Pleasure.

To Command the Militia of Rhode Island

And whereas there are divers Colonies adjoyning to Our Province of the Massachusets Bay, for the Defence and Security whereof, it is requisite that due care be taken in the time of War, We have therefore thought it further necessary for Our Service, and for the better Protection & Security of Our Subjects inhabiting those Parts, to constitute and appoint, And We do by these Presents constitute and appoint You the said Saml Shute to be Our Capt General and Commander in Chief of the Militia and of all the Forces by Sea and Land, within Our Collonies of Rhode Island & Providence Plantation, the Narraganset Country or King's Province, and of all Our Forts and Places of Strength within the same in time of War or imminent Danger.

Lieu^t Governor To Command the same Militia of Rhode Island in Gov^rs Absence

And for the better ordering Governing, and ruling Our said Militia & all Our Forces, Forts and Places of Strength within Our said Colonies of Rhode Island & Providence Plantation, and the Narraganset Country or King's Province; We do hereby give and grant unto You the said Samuel Shute, and in your absence to Our Lieu^t Govr or

[1] *Sic:* further Pleasure.

Commander in Chief of Our Province of the Massachusets Bay, all & every the like Powers as in these Presents are before granted and recited, for the Ruling, Governing and Ordering our Militia, and all Our Forces, Forts & Places of Strength within Our Province of the Massachusets Bay to be exercised by You the said Samuel Shute and in your Absence from Our Territory and Dominion of New England, by Our said Lieu^t^ Govr or Commander in Chief of our said Province of the Massachusets Bay for the time being, within Our said Colonies of Rhode Island & Providence Plantation, & the Narraganset Country or King's Province, during time of War or imminent Danger, as aforesaid.

Lastly, We have revoked, determined & made void, & by these Presents do revoke, determine & make void the like Commission or Letters Patents granted by Us unto Elizeus Burgess Esqr for the Gov^t^ of our said Province of ye Massachusets Bay, under the Great Seal of Great Brittain bearing Date at Westminster the day of in the first Year of our Reign,

Revocation of Col: Burgess's Commission

In Witness whereof We have caused these Our L^rs^ to be made Patents. Witness Ourself at Westminster, the day of second Year of Our Reign.

Teste 15° Junii 1716, A° Regni 2do

——*Public Record Office, Colonial Office, Class 5, Volume 914, pp. 331–368.*

WILLIAM BURNET'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

7 March, 1727–8

George the Second by the Grace of God &c To Our Trusty and Welbeloved William Burnet Esquire *Greeting*

Whereas by a Royal Charter vnder the Great Seal of England bearing date ye Seventh day of October in the third year of the Reign of King William the Third the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Main in New England the Territorie of Accadie or Nova Scotia and the lands lying between the said Territory of Nova Scotia and the Province of Main aforesaid were united Erected and Incorporated into one Real Province by the name of Our Province of the Massachusetts Bay in New England and his said Majestie did thereby Grant to Our loving subjects the Inhabitants of Our said Province or Territory of ye Massachusetts Bay in New England and their Successors that there should be a Governor lievtenant Governor and a Secretary of Our said Province and Territory to be from time to time appointed and Commissionated by the said King William his heires and Successors with several Privileges Franchises and Imunities thereby Granted to our said loving subjects And

De Concessione Burnet *Armigero Commissionis*

Whereas Our said late Royal Father of Blessed memory did by His letters Patents vnder his Great Seal of Great Britain bearing date at Westminster the fifteenth day of June in the second year of his Reign constitute and appoint Samuel Shute Esquire to be Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England for and during his Will and pleasure as by the said severall recited Letters Patents relacon being thereunto had may more fully and at large appear In which said office by virtue of the Statute in such Case made and Provided the said Samuel Shute was continued for the Space of Six months from the time of Our said late Royal Father and by virtue of Our Royal Proclamation for that Purpose issued bearing date the Fifth day of July in the first year of our Reign he is continued vntil our pleasure be further Known or other Provision be made concerning the said office Now know you that Wee have revoked and Determined and by these Presents Do Revoke and Determine the said last recited letters Patents and every Clause Article and thing therein contained and him the said Samuel Shute Wee do remove from the said office by these presents And further know you that Wee reposing Especial Trust and Confidence in the Prudence Courage and loyalty of you the said **William Burnet** of our Especial Grace certain knowledge and meer mocon have thought fitt to constitute and appoint And by these presents do Constitute and appoint you the said William Burnet to be Our Capain[1] General and Governor in Chief in and over our said Province of the Massachusets Bay in New England and for your better Guidance and Direccon And Wee do hereby Require and Command you to do and Execute all things in Due manner that shall belong unto the Trust Wee have reposed in you according to the several Powers and Authorities menconed in the said Charter and in in these presents and such further Powers Instruccons and

[1] *Sic.*

Authorities as you shall receive or which shall at any time hereafter be Granted or appointed you vnder Our Sign Manual and Signet or by Our Order in Our Privy Council in Pursuance of the said Charter and according to such reasonable Laws and Statutes as are now in force or which hereafter shall be made and agreed vpon in such manner and forme as by the said Charter is Directed And our Will and Pleasure is that you the said William Burnet after the publicacon of these Our Letters Patents do in the first place take the Oathes appointed to be taken by an Act passed in the first year of his said late Majesties Reign Entituled (An Act for the further Security of His Majesties Person and Government and the Succession of the Crown in the Heires of the late Princess Sophia being Protestants and for extinguishing the Hopes of the Pretended Prince of Wales and his open and Secret Abettors) As also that you make and Subscribe the Declaracon menconed in an Act of Parliament made in the Twenty Fifth year of the Reign of King Charles the second Entituled (An Act for Preventing Dangers which may happen from Popish Recusants) and likewise that you take the usual Oath for the Due Execution of the Office and Trust of Our Captain General and Governor in Chief in and over Our said Province as well with regard to the due and Impartial Administration of Justice as otherwise And further that you take the Oath required to be taken by Governors of Plantacons to do their vtmost that the several Laws relating to Trade and the Plantations be observed which said Oathes and Declaration Our Council of Our said Province or any three of the Members thereof have hereby full Power and Authority and are required to tender and administer vnto you and in your Absence to Our Lievtenant Governor of Our said Province if there be any vpon the Place All which being duely performed You shall administer to each of the Members of Our said Council and to Our said Lievtenant Governor if there be any vpon the Place the said Oaths

mencoñed in the said Act Intituled (An Act for the further Security of His Majesties Person and Government and the limitation of the Crown in the Heires of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the Pretended Prince of Wales and his open and secret abettors) as also to Cause them to make and Subscribe the foremenconed Declaration and to administer to them the Oath for the due Execution of their Places and Trusts As also that you administer or cause to be administred vnto all the Members that shall be Elected to serve in the General Assembly of Our said Province the Oathes mencoñed in the said Act Entituled (An Act for the further Security of his Majesties Person and Government and the Succession of the Crown in the Heires of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the pretended Prince of Wales and his open and Secret abettors) And likewise cause them to make and Subscribe the forementionʼd Declaration And until the same shall be so taken and subscribed No Person shall be capable of sitting though Elected And Our further Will and Pleasure is that you shall and may keep and vse the Publick Seal of Our said Province for Sealing all things whatsoever that pass the Great Seal of Our said Province vnder your Government And Wee do hereby Give and Grant vnto you full Power and Authority where you shall see Cause and shall judge any Offender or Offenders in Capital or Criminal matters or for any Fines or Forfeitures due vnto Us fit objects of Our mercy to pardon all such Offenders and to remit such Fines and Forfeitures (Treason and Wilfull Murther only Excepted) In which cases you shall likewise have power vpon Extraordinary Occasions to Grant Reprives to the Offenders therein to the end and vntil Our Pleasure shall be further known And Wee do hereby Give and Grant vnto you the said William Burnet by your selfe or by your Captains and Commanders by you to be Authorized full Power and Authority to levy arm muster Com-

mand and Employ al Persons whatsoever residing within Our s^d^ Province and Territory of the Massachusetts Bay in New England and as occasion shall require to march them from one place to another or to Embark them for resisting and withstanding of all Enemies Pirates and Rebells both at Land & Sea and such Forces with their own Consent or with the Consent of Our Council and Assembly to transport to any of our Plantacon̄s in America as occasion shall require for the Defence of the same against the Invasion or Attempts of any of Our Enemies and such Enemies Pirates and Rebells if occasion shall require to persue and prosecute in or out of the limitts of Our said Province or any part thereof and if[1] shall please God them to vanquish apprehend and take and being taken either according to Law to put to Death or keep and preserve alive at your Discretion And Wee do further Give and Grant vnto you full Power and Authority to Erect raise and build within Our Province and Territory aforesaid such and so many Forts Platforms Castles and Fortifications as you shall Judge necessary and the same[2] any of them to Fortify and Furnish with Ordnance Amunition and all Sorts of Armes fitt and necessary for the Security and Defence of Our said Province and from time to time to Committ the Government of the same to such Person or Persons as to you shall seem meet And the said Forts and Fortifications again to Demolish or Dismantle as may be most Convenient And to do and Execute all and every other thing or things which to a Captain General doth or ought of right to belong as fully and amply as any other our Captain General doth or hath usually done according to the Powers hereby granted to you And Wee do hereby Give and Grant vnto you the said William Burnet full Power and Authority to Constitute and appoint Captains Lievtenants Masters and other Commanders and Officers of Ships and to grant vnto such Captains Lievtenants Masters and other Com̄anders and Officers

[1] *Sic:* if it. [2] *Sic:* same or.

of Ships Comissions to Execute the Law Martial according to the Directions of an Act passed in the Thirteenth year of the Reign of King Charles the Second Entituled (An Act for the Establishing Articles and Orders for the Regulating and better Government of His Majesties Navies Ships of Warr and Forces by Sea) and to use such proceedings Authorities Punishments Correccons and Execucons vpon any Offender or offenders who shall be Mutinous Seditious Disorderly or any way vnruly either at sea or during the time of their abode or residence in any of the Ports Harbours or Bays of Our said Province and Territory as the Cause shall be found to require according to martiall Law and the said Directions during the time of War as aforesaid Provided that nothing herein contained shall be construed to the Enabling you or any by your Authority to hold Plea or have Jurisdiccon of any Offence Cause matter or thing Committed or done vpon the high Sea or within any the Havens Rivers or Creeks of Our said Province or Territories vnder your Government by any Captain Comander Lievtenant Master or other Officer Seaman Soldier or other Person whatsoever who shall be in actual Service and Pay in or on board any of Our Ships of War or other vessels acting by immediate Comission or Warrant from Our Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being vnder the Seal of Our Admiralty But that such Captain Commander Lievtenant Master Officer Seaman Soldier or other Person so offending shall be left to be proceeded against and tried as the merit of their Offences shall require either by Commission vnder Our Great Seal of Great Britain as the Statute of the Twenty Eighth of Henry the Eighth directs or by Commission from Our said Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being according to the foremenconed Act Entituled (An Act for the establishing Articles and Orders for the Regulating and better

Government of His Majesties Navies Ships of War and Forces by Sea) and not otherwise And also that all Disorders Misdemeanors committed on Shoar by any Captain Commander Lievtenant Master or other Officer Seaman Soldier or other Person whatsoever belonging to any of Our Ships of War acting by immediate Commission or Warrant from Our Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being vnder the Seal of Our Admiralty may be tryed and punished according to the Laws of the Place where any such Disorders Offences and Misdemeanours shall be Committed on Shoar notwithstanding such Offender be in Our actual Service and born in Our pay on board any such Our Ships of War or other vessel acting by immediate Commission or Warrant from Our Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of Justice for such Offences committed on Shoar from any Pretence of his being Employed in Our Service at Sea And Our further Will and pleasure is that you shall not at any time hereafter by Colour of any Power or Authority hereby granted or mentioned to be Granted take vpon you to give grant or dispose of any Office or Place within Our said Province and Territories which now is or shall be Granted vnder the Great Seal of Great Britain any further than that you may vpon the vacancy of any such Office or Suspension of any Officer by you put in any Person to Officiate in the Interval vntil the said Place be disposed of by Us Our Heires or Successors vnder the Great Seal of Great Britain or that Our Directions be otherwise given therein And Wee do hereby Require and Command all Officers and Ministers Civil and Military and all other the Inhabitants of Our said Province and Territory to be obedient ayding and assisting vnto you the said William Burnet in the Execucon of this Our Comission and of the

Powers of the Powers[1] and Authorities therein contained and in Case of your Death or absence out of Our said Province and Territories to be obedient ayding and Assisting vnto such person as shall be appointed by vs to be Our Lievtenant Governor or Commander in Chief of Our said Province and Territories to whom Wee do therefore by these presents Give and grant all and Singular the Powers and Authorities herein Granted to be by him Executed and enjoyed during Our Pleasure or vntil your arrival within Our said Province And if vpon your Death or Absence out of Our said Province there be no Person vpon the Place Commissionated or appointed by vs to be Our Lievtenant Governor or Commander in Chief of Our said Province and Territories Our Will and Pleasure is that Our Council of Our said Province for the time being do take vpon them the administration of the Government and Execute Our said Commission and Instruccons and the several Powers and Authorities therein Contained in the same manner and to all Intents and Purposes as Our Governour or Commander in Chief of Our said Province and Territories should or ought to do in case of your absence vntil your returne or in all Cases vntil Our further Pleasure be known therein and that in such case the Eldest Councillor present at each meeting of the said Council shall alwaies preside therein And Our pleasure is that you the said William Burnet shall and may hold Execute and enjoy the Office and place of Our Captain General and Governor in Chief in and over Our said Province and Territories of the Massachusetts Bay in New England with all and singular the Powers and Authorities hereby Granted vnto you for and During Our Will and Pleasure And Whereas there are divers Colonies adjoyning to Our Province of the Massachusetts Bay for the Defence and Security whereof it is requisite that due Care be taken in the time of War Wee have therefore thought it further necessary for Our Service and for the bet-

[1] *Sic.*

ter protection and Security of Our Subjects Inhabiting those parts to Constitute and appoint And Wee do by these Presents Constitute and appoint you the said William Burnet to be Our Captain General and Commander in Chief of the Militia and of all the Forces by Sea and Land within Our Colonies of Rhode Island and Providence Plantation the Narraganset Country or Kings Province and all Our Forts and Places of strength within the same in time of War or imminent danger And for the better Ordering Governing and Ruling Our said Militia and all Our Forces Forts and places of Strength within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province Wee Do hereby Give and Grant vnto you the said William Burnet and in your Absence to our Lieutenant Governor or Commander in Chief of our said Province of the Massachusets Bay all and every the like Powers as in these Presents are before Granted and recited for the Ruling Governing and Ordering Our Militia and all Our Forces Forts and Places of Strength within Our Province of the Massachusetts Bay to be Exercised by you the said William Burnet and in your absence from our Territory and Dominions of New England by Our said Lievtenant Governour or Commander in Chief of Our said Province of the Massachusetts Bay for the time being within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province during the time of War or imminent Danger as aforesaid In Witness &c Witness Our selfe at Westminster the seventh day of March

——*Public Record Office, Patent Roll, 1 George II, Part 9, No. 18.*

JONATHAN BELCHER'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

28 JANUARY, 1729–30

George the Second by the Grace of God &c To Our Trusty and Welbeloved JONATHAN BELCHER Esquire *Greeting*

Whereas by a Royal Charter vnder the Great Seal of England bearing date the Seventh day of October in the third year of the Reign of King William the[1] the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Main in New England the Territory of Accadie or Nova Scotia and the Lands lying between the said Territory of Nova Scotia and the Province of Main aforesaid were vnited Erected and Incorporated into one Real Province by the Name of Our Province of the Massachusets Bay in New England and his said Majestie did thereby Grant to our loving Subjects the Inhabitants of Our said Province or Territory of the Massachusets Bay in New England and their Successors that there should be a Governor a Lievtenant Governor and Secretary of Our said Province and Territory to be from time to time Appointed and comissionated by the said King William his heires and successors

De Concessione Belcher *Armigero Commissionis*

[1] *Sic:* the Third.

with several Privileges Franchises and Imunities thereby granted to Our said loving Subjects Now know you that Wee reposing especial Trust and Confidence in the prudence courage and Loyalty of you the said **Jonathan Belcher** of our especial Grace certain knowledge and meer mocõn have thought fit to Constitute and appoint And by these presents Do Constitute and Appoint you the said Jonathan Belcher to be Our Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England and for your better Guidance and Direccõn Wee do hereby Require and Command you to do and Execute all things in due manner that shall belong to the Trust Wee have reposed in you according to the several Powers and Authorities mencoñed in the said Charter and in these presents and such further Powers Instructions and Authorities as you shall receive or which shall at any time hereafter be Granted or Appointed you vnder our Sign Manual and Signet or by Our Order in Our Privy Council in Pursuance of the said Charter and according to such reasonable laws and Statutes as are now in Force or which hereafter shall be made and agreed upon in such manner and forme as by the said Charter is directed And Our Will and pleasure is that you the said Jonathan Belcher after the Publication of these our Letters Patents do in the first place take the Oathes appointed to be taken by an Act passed in the first year of the Reign of our late Royal Father King George the First Entituled (An Act for the further Security of His Majesties Person and Government and the Succession of the Crown in the Heires of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the pretended Prince of Wales and his open and Secret Abettors) as also that you make and subscribe the Declaration mentioned in An Act of Parliament made in the five and Twentieth year of the Reign of King Charles the Second Entituled (An Act for preventing Dangers which may happen from Popish Recusants) and likewise that you

take the vsual oath for the due Execucon̄ of the Office and Trust of Our Captain General and Governor in Chief in and over Our said Province as well with Regard to the due and Impartial administracon̄ of Justice as otherwise and further that you take the Oath requred to be taken by Governors of Plantations to do their vtmost that the several Laws relating to Trade and Plantations be observed which said Oathe and Declaracon̄ Our Council of Our said Province or any three of the members thereof have hereby full Power and Authority and are required to tender and administer vnto you and in your Absence to Our Lievtenant Governor of Our said Province if there be any vpon the Place all which being duly performed you shall Administer to each of the members of Our said Council and to Our said Lievtenant Governor if there be any vpon the place the Oaths mencon̄ed in the said Act Entituled (An Act for the further Security of His Majesties Person and Government and the Succession of the Crown in the Heires of the late Princess Sophia being Protestants and for extinguishing the Hopes of the Pretended Prince of Wales and his open and Secret Abettors) as also to cause them to make and subscribe the foremencon̄ed Declaration and to administer to them the Oath for the due Execution of their Places and Trusts as also that you Administer or cause to be Administred vnto all the members that shall be Elected to serve in the General Assembly of Our said Province the Oathes mencon̄ed in the said Act Entituled (An Act for the further Security of His Majesties Person and Government and the Succession of the Crown in the Heires of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the Pretended Prince of Wales and his open and Secret Abettors) and likewise cause them to make and Subscribe the forementioned Declaration and vntill the same shall be so taken and subscribed no person shall be capable of sitting though elected Our further Will and Pleasure is that you shall and may keep and vse the

Publick Seal of Our said Province for Sealing all things whatsoever that pass the Great Seal of Our said Province vnder your Government And Wee do hereby Give and Grant vnto you full Power and Authority where you shall see Cause and shall Judge any Offender or Offenders in Capital or Criminal matters or for any Fines or Forfeitures due vnto vs fit Objects of Our Mercy to Pardon all such Offenders and to remit such Fines and Forfeitures Treason and Wilfull Murder only excepted in which Cases you shall likewise have Power vpon Extraordinary Occasions to Grant Reprieves to the Offenders therein to the end and vntil Our Pleasure shall be further known And Wee do hereby give and Grant vnto you the said Jonathan Belcher by your selfe or by your Captains and Comanders by you to be Authorized full Power and Authority to levy arm muster Command and Employ all Persons whatsoever residing within Our said Province and Territory of the Massachusets Bay in New England and as occasion shall require to march from one place to another or to Embark them for the resisting and withstanding of all Enemies Pirates and Rebells both at Land and Sea and such Forces with their own Consent or with the Consent of Our Council and Assembly to Transport to any of Our Plantacoñs in America as occasion shall require for the Defence of the same against the Invasion or attempts of any of Our Enemies and such Enemies Pirates and Rebells if Occasion shall require to pursue and prosecute in or out of the limits of Our said Province or any part thereof And if it shall so please God them to vanquish apprehend and take and being taken either according to law to put to Death or keep and preserve alive at your discretion And Wee do further give and grant vnto you full Power and Authority to Erect Raise and Build within Our said Province and Territory aforesaid such and so many Forts Platformes Castles and Fortifications as you shall Judge necessary and the same or any of them to Fortify

and Furnish with Ordnance Amunicoñ and all sors[1] of Armes fit and necessary for The Security and Defence of Our said Province and from time to time to Comitt the Government of the same to such Person or Persons as to you shall seem meet and the said Forts and Fortifications again to Demolish or Dismantle as may be most convenient And to do and Execute all and every other thing which to a Captain Generall doth or ought of right to belong as fully and amply as any other Our Captain General doth or hath vsually done according to the Powers hereby Granted or to be Granted to you And Wee do hereby Give and Grant vnto you the said Jonathan Belcher full Power and Authority to Constitute and appoint Captains Lievtenants Masters and other Comanders and Officers of Ships and to Grant vnto such Captains Lievtenants Masters and other Comander and Officers of Ships Comissions to Execute the Law Martial according to the Direcoñs of An Act passed in the thirteenth year of the Reign of King Charles the second Entituled (An Act for the Establishing Articles and Orders for the Regulating and better Government of His Majesties Navies Ships of War and Forces by Sea) and to vse such proceedings Authorities Punishments Corrections and Executions vpon any Offender or Offenders who shall be mutinous Seditious disorderly or any way vnruly either at Sea or during the time of their abode or Residence in any of the Ports Harbours or Bays of Our said Province and Territory as the Cause shall be found to require according to Martiall Law and the said Directions during the time of War as aforesaid Provided that nothing herein contained shall be construed to the Enabling you or any by your Authority to hold Plea or have Jurisdicoñ of any Offence Cause matter or thing comitted or done vpon the high Sea or within any of the Havens Rivers or Creeks of Our said Province or Territories vnder your Gov-

[1] *Sic.*

ernment by any Captain Comander Lievtenant Master or other Officer Seaman Soldier or other Person whatsoever who shall be in actual Service and pay in or on Board any of Our Ships of War or other vessels acting by imediate Comission or Warrant from Our Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being vnder the Seal of Our Admiralty But that such Captain Comander Lievtenant Master Officer Seaman Soldier or other Person so offending shall be left to be proceeded against & Tryed as the merits of their Offences shall require either by Comission vnder Our Great Seal of Great Britain as the Statute of the Twenty eighth of Henry the Eighth directs or by Comission from Our said Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being according to the foremenconed Act Entituled (An Act for the Establishing Articles and Orders for the Regulating and better Government of his Majesties Navies Ships of War and Forces by Sea) and not otherwise Provided also that all Disorders and Misdemeanors committed on Shore by any Captain Commander Lievtenant Master or other Officer Seaman Soldier or other Person Whatsoever belonging to any of Our Ships of War acting by imediate Comission or Warrant from Our Comissioners for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being vnder the Seal of Our Admiralty may be Tryed and Punished according to the Laws of the Place where any such Disorders Offences and Misdemeanors shall be comitted on Shore notwithstanding such Offender be in Our actual Service and born in Our pay on Board any such Our Ships of War or other vessels acting by imediate Comission or Warrant from Our Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any Protection for the Avoiding of Justice for

such Offences committed on Shore from any pretence of his being Employed in Our Service at Sea And further Our Will and Pleasure is that you shall not at any time hereafter by Colour of any Power or Authority hereby Granted or mencoñed to be Granted take vpon you to Give Grant or Dispose of any Office or Place within Our said Province and Territories which now is or shall be Granted vnder the Great Seal of Great Britain any further than that you may upon the vacancy of any such Office or Suspension of any Officer by you put in any Person to Officiate in the Interval vntil the said Place be disposed of by Us Our Heirs or Successors vnder the Great Seal of Great Britain or that Our Directions be otherwise given therein And Wee do hereby require and Comand all Officers and Ministers Civil and Military and all other the Inhabitants of Our said Province and Territories to be obedient aiding and Assisting vnto you the said Jonathan Belcher in the Execution of this Our Comission and of the Powers and Authorities therein contained and in Case of your Death or absence out of Our said Province and Territories to be Obedient Aiding and Assisting vnto such Person as shall be Appointed by vs to be Our Lievtenant Governor or Commander in Chief of Our said Province and Territories to whom Wee do therefore by these presents Give and Grant all and singular the Powers and Authorities herein granted to be by him Executed and Enjoyed during Our Pleasure or vntil your arrival within Our said Province And if vpon your Death or Absence out of Our said Province there be no Person comissionated or appointed by vs to be Our Lievtenant Governor or Comander in Chief of Our said Province and Territories Our Will and Pleasure is That Our Council of Our said Province for the time being do take vpon them the Administration of the Government and Execute our said Comission and Instructions and the several powers and Authorities therein contained in the same manner and to all Intents and Purposes as Our Governor and Commander in

Chief of Our said Province and Territories should or ought to do in case of your absence vntil your returne or in all Cases vntil Our further Pleasure be known therein And that in such Case the Eldest Councillour present at each meeting of the said Council shall always preside therein And Our Pleasure is that you the said Jonathan Belcher shall and may hold execute and enjoy the Office and Place of Our Captain General and Governor in Chief in and over Our said Province and Territories of the Massachusets Bay in New England with all and singular the Powers and Authorities hereby granted vnto you for and during Our Will and Pleasure And whereas there are divers Colonies adjoyning to Our said Province of the Massachusets Bay for the Defence and Security whereof it is requisite that due care be taken in the time of War We have therefore thought it further necessary for Our Service and for the better proteccon̄ and Security of Our Subjects Inhabiting those parts to Constitute and appoint and appoint[1] And Wee do by these presents Constitute and appoint you the said Jonathan Belcher to be Our Captain General & Commander in Chief of the Militia and of all the Forces by Sea and Land within Our Colonies of Rhode Island and Providence Plantacon̄ the Narraganset Country or Kings Province and of all Our Forts and Places of Strength within the same in time of War or imminent Danger And for the better Ordering Governing and Ruling Our said Militia and all Our Forces Forts and Places of Strength within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Providence[2] Wee do hereby give and grant vnto you the said Jonathan Belcher and in your Absence to Our Lievtenant Governor or Com̄ander in Chief of Our said Province of the Massachusets Bay all and every the like Powers as in these presents are before Granted and recited for the Ruleing Governing and Ordering Our Militia and all

[1] *Sic.*

[2] *Sic:* Province.

Our Forces Forts and Places of Strength within Our Province of the Massachusets Bay to be Exercised by you the said Jonathan Belcher and in your Absence from Our Territory and Dominion of New England by Our said Lievtenant Governor or Comander in Chief of Our said Province of the Massachusets Bay for the time being within Our said Colonies of Rhode Island and Providence Plantacon and the Narraganset Country or Kings Province during the time of War or imminent Danger as aforesaid In Witness &c Witnesse Our Selfe at Westminster the twenty-eighth day of January

—— *Public Record Office, Patent Roll, 3 George II, Part 3, No. 4.*

WILLIAM SHIRLEY'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

25 May, 1741

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. To Our Trusty and Welbeloved William Shirley Esquire *Greeting*

Whereas by a Royal Charter under the Great Seal of [England] [*Great Britain*] bearing date the Seventh day of October in the third year of the Reign of King William the third the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Main in New England the Territory of Accadie or Nova Scotia and the Lands lying between the said Territory of Nova Scotia and the Province of Main aforesaid were united erected and incorporated into one Real Province by the Name of Our Province of the Massachusets Bay in New England and his said Majesty did thereby Grant to Our loving Subjects the Inhabitants of our said Province or Territory of the Massachusets Bay in New England and their Successors that there should be a Governor a Lieutenant Governor and Secretary of Our said Province and Territory to be from time to time appointed and Commissioned by the said King William his Heirs and Successors with several Priviledges Franchises and Immunities thereby Granted to Our said loving Subjects And Whereas Wee did by [*our*] Letters

[Mr Shirley's Comicon]

Patents under Our Great Seal of Great Britain bearing date at Westminster the Twenty-eight day of January in the third Year of our Reign constitute and appoint Jonathan Belcher Esquire Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England for and during Our Will and Pleasure as by the said Recited Letters Patent (relation being thereunto had) may more fully and at large appear Now Know you that Wee have Revoked and determined and by these Presents do Revoke and Determine the said Recited Letters Patent and every Clause Article and Thing therein contained And further Know You [that] [*the*] Wee reposing especial Trust and Confidence in the Prudence Courage and Loyalty of You the said **William Shirley** of Our especial Grace certain Knowledge and meer Motion Have thought fit to Constitute and Appoint and by these Presents do Constitute and appoint You the said William Shirley to be Our Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England And for your better Guidance and direction Wee do hereby require and Command You to do and Execute all things in due manner that shall belong unto the Trust Wee have reposed in You according to the several Powers and Authorities mentioned in the said Charter and in these Presents and such further Powers Instructions and Authorities as you shall receive or which[1] at any time hereafter be granted or appointed You under Our Sign Manual and Signet or by Our Order in Our Privy Council in pursuance of the said Charter and according to such reasonable Laws and Statutes as are now in force or which hereafter shall be made and agreed upon in such mannor and Form as by the said Charter is directed And Our Will and Pleasure is that You the said William Shirley after the publication of these Our Letters Patent do in the first place take the Oaths ap-

[1] *Sic :* which shall.

pointed to be taken by an Act passed in the first Year of his said late Majesty's Reign Entituled (An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the Hopes of the pretended Prince of Wales and his open and Secret Abettors) As also that You make and subscribe the Declaration mentioned in an Act of Parliament made in the Twenty fifth Year of the reign of King Charles the Second Entitled (An Act for preventing dangers which may happen from Popish Recusants) And likewise that You take the usual Oath for the due Execution of the Office and Trust of Our Captain General and Governor in Chief in and over Our said Province as well with regard to the due and impartial Administration of Justice as otherwise and further that You take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the Plantations be observed which said Oaths and Declaration Our Council of our said Province or any three of the Members thereof have hereby full Power and Authority and are required to tender and Administer unto You and in Your Absence to Our Lieutenant Governor of Our said Province if there be any upon the Place All which being duly performed You shall Administer to each of the Members of Our said Council and to our said Lieutenant Governor if their be any upon the Place the Oaths mentioned in the said Act Entitled (An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors) As also to cause them to make and Subscribe the forementioned Declaration and to Administer to them the Oath for the due execution of their Places and Trusts As also that You Administer or cause to be Administered unto all

the Members that shall be elected to Serve in the Generall Assembly of our said Province the Oaths mentioned in the said Act Entitled (An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended [*Prince*] of Wales and his open and secret Abettors) and likewise cause them to make and subscribe the forementioned Declaration and untill the same shall be taken and subscribed no Person shall be capable of sitting tho' elected Our further Will and Pleasure is that You shall and may keep and Use the publick Seall of our said Province for Sealing all things whatsoever that pass the Great Seal of Our said Province under your Government And Wee do hereby Give and Grant unto You full Power and Authority where you shall see Cause and shall Judge any Offender or Offenders in Capital or Criminal Matters or for any Fines or Forfeitures do unto Us fit objects of our Mercy to pardon all such Offenders and to remit such Fines and Forfeitures Treason and Wilful Murder only excepted in which case[s] You shall likewise have power upon extraordinary Occasions to grant Reprieves to the Offenders therein to the end and untill Our Pleasure shall be further known And Wee do hereby Give and Grant unto You the said William Shirley by Your self or by your Captains and Comanders by You to be authorized full Power and Authority to Levy Arm Muster Command and employ all Persons whatsoever residing within Our said Province and Territory of the Massachusets Bay in New England and as occasion shall require to March them from one place to another or to imbark them for resisting and withstanding of all Enemys Pirates and Rebels both at Land and [*at*] Sea and such Forces with their own Consent or with the Consent of Our Council and Assembly to transport to any of Our Plantations in America as occasion shall require for the Defence of the same against the Invasion or At-

tempts of any of Our Enemys And such Enemys Pirates and Rebells if Occasion shall require to pursue and prosecute in or out of the Limits of Our said Province or any part thereof And if it shall so please God them to vanquish apprehend and take and being taken either according to Law to put to death or keep and preserve alive at your Discretion Wee do further Give and Grant unto You full Power and Authority to erect raise and build within Our Province and Territory aforesaid such and so many Forts Platforms Castles and Fortifications as you shall Judge necessary And the same or any of them to fortifie and furnish with Ordinance Ammunition and all Sorts of Arms fit and necessary for the Security and Defence of Our said Province and from time to time to Commit the [Governor] [*Government*] of the same to such Person or Persons as to You shall seem meet and the said Forts and Fortifications again to demolish or dismantle as may be most convenient And to do and execute all and every other thing or things which to a Captain General doth or ought of right to belong as fully and amply as any other Our Captain General doth or hath usually done according to the Powers hereby granted or to be granted by[1] you And Wee do hereby Give and Grant unto You the said William Shirley full Power and Authority to Constitute and appoint Captains Lieutenants Masters and other Commanders and Officers of Ships and to Grant unto such Captains Lieutenants Masters and other Commanders and Officers of Ships Commissions to execute the Law Martial according to the Directions of an Act passed in the thirteenth year of the Reign of King Charles the Second Entitled (An Act for the establishing Articles and Orders for the Regulating and better Government of his Majesty's Navys Ships of War and Forces by Sea) And to Use such Proceedings Authorities Punishments Corrections and Executions upon any Offender

[1] *Sic:* to.

or Offenders who shall be mutinous seditious disorderly or any way[s] unruly either at Sea or during the time of their Abode or Residence in any of the Ports Harbors or Bays of Our said Province and Territory as the Cause shall be found to require according to the Martial Law and the said Directions during the time of War as afores[d] Provided that nothing herein contained shall be construed to the enabling You or any by Your Authority to hold Plea or have Jurisdiction of any Offence Cause Matter or Thing committed or done upon the High Sea or within any the Havens Rivers or Creeks of Our said Province or Territories under Your Government by any Captain Commander Lieutenant Master or other Officer Seaman Soldier or other person whatsoever who shall be in Actual Service and pay in or on board any of Our Ships of War or other vessels acting by immediate Commission or Warrant from Our Commissioners for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty But that such Captain Commander Lieutenant Master Officer Seaman Soldier or other Person so offending shall be left to be proceeded against and tried as the Merit of their Offences shall require either by Commission under Our Great Seal of Great Britain as the Statute of the Twenty eighth of Henry the eighth directs or by Commission from Our said Commissioners for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being according to the forementioned Act Entitled (An Act for the establishing Articles and Orders for the Regulating and better Government of his Majesty's Navys Ships of War and Forces by Sea) and not otherwise Provided also that all Disorders and Misdemeaners committed on Shoar by any Captain Commander Lieutenant Master or other Officer Seaman Soldier or other Person whatsoever belonging to any of Our Ships of War acting by immediate Commission or Warrant from Our Com-

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missioners for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be tryed and punished according to the Laws of the Place where any such Disorders Offences and Misdemeanors shall be committed on Shoar notwithstanding such Offender be in Our actual Service and born in Our Pay on board any Such our Ships of War or other Vessels acting by immediate Commission or Warrant from Our Comissioners for executing the Office of Our [High] Admiral or from Our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any Protection for the avoiding of Justice for such Offences committed on Shoar from any pretence of his being employed in Our Service at Sea and further Our Will and Pleasure is that You shall not at any time hereafter by Colour of any Power or Authority hereby granted or mentioned to be granted take upon You to Give Grant or dispose of any Office or Place within Our said Province and Territories which now is or shall be granted under the Great Seal of Great Britain any further than that You may upon the Vacancy of any such Office or Suspension of any Officer by you put in any Person to officiate in the Interval untill the said Place be disposed of by Us Our Heirs or Successors under the Great Seal of Great Britain or that Our Directions be otherwise given therein And Wee do hereby Require and Command all Officers and Ministers Civil and Military and all other the Inhabitants of our said Province and Territory to be obedient aiding and Assisting unto You the said William Shirley in the Execution of this Our Commission and of the Powers and Authorities therein Contained and in case of Your Death or absence out of Our said Province and Territories to be Obedient Aiding and Assisting unto such Person as shall be appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territories To whom wee do therefore by these presents

Give and Grant all and Singular the Powers and Authorities herein granted to be by him executed and enjoyed during our Pleasure or untill Your arrival within Our said Province And if upon Your Death or Absence out of Our said Province there be no Person upon the Place commissioned or appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territories Our Will and Pleasure is that Our Councill of our said Province for the time being do take upon them the Administration of the Government and execute Our said Commission and Instructions and the several Powers and Authorities therein contained in the same manner and to all Intents and Purposes as Our Governor [or] [*and*] Commander in Chief of Our said Province and Territories should or ought to do in Case of Your Absence [untill] Your Return or in all Cases [un]till our further Pleasure be known therein And that in such Cases the eldest Councillor present at each Meeting of the said Councill shall always preside therein And Our Pleasure is that You the said William Shirley shall and may hold execute and enjoy the Office and Place of Our Captain General and Governor in Chief in and over Our said Province and Territories of the Massachusets Bay in New England with all and singular the Powers and Authorities hereby granted unto You for and during Our Will and Pleasure And Whereas there are divers Colonies adjoyning to Our Province of the Massachusets Bay for the Defence and Security whereof it is [requisite] [*required*] that due Care be taken in the time of War Wee have therefore thought it further necessary for Our Service and for the better Protection and Security of Our Subjects inhabiting those Parts to Constitute and appoint [*And we do by these Presents constitute and appoint*] You the said William Shirley to be Our Captain General and Comander in Chief of the Militia and of all the Forces by Sea and Land within Our Colonies [*of*] Rhode Island and Providence Plantation the Narragansett

Country or Kings Province and of all Our Forts and Places of Strength within the same, in time of War or imminent danger And for the better Ordering Governing and Ruling Our said Militia and all Our Forces Forts and Places of Strength within Our said Colonies of Rhode Island and Providence Plantation[*s*] and the Narraganset Country or Kings Province Wee do hereby Give and Grant unto You the said William Shirley and in Your Absence to our Lieutenant Governor or Commander in Chief of Our said Province of the Massachusets Bay all and every the like Powers as in these Presents are before granted and recited for the Ruling Governing and Ordering Our Militia and all Our Forces Forts and Places of Strength within Our Province of the Massachusets Bay to be exercised by You the said William Shirley and in Your Absence from Our Territory and Dominion of New England by Our said Lieutenant Governor or Commander in Chief of Our said Province of the Massachusets Bay for the time being within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province during the time of War or imminent danger as aforesaid In Witness [&c] [*whereof We have caused these our Letters to be made Patent*] Witnesse[*s John Archbishop of Canterbury & other Guardians & Justices of the Kingdom*] [by the King] at Westminster the [sixteenth] [*twenty fifth*] day of May [*in the fourteenth Year of Our Reign*]

By Writt of Privy Seal
[*BISSE*]

[*The Great Seal of England Appending*
Ex[d] *Examined p J. Willard Secry*]

——*Public Record Office, Patent Roll, 14 George II, Part 2, No. 7.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, pp. 36–40*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante*.

THOMAS POWNALL'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

25 FEBRUARY, 1757

[*HIS EXCELLENCY*] THOMAS POWNALL ESQ^R [*HIS COMISSION TO BE*] GOVERNOR [*&C*] [OF THE MASSACHUSETTS BAY]

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith [*&c*^a] To Our Trusty and Welbeloved THOMAS POWNALL Esquire *Greeting*

Whereas by a Royal Charter under the Great Seal of England bearing date the Seventh day of October in the Third year of the Reign of King William the Third the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Main in New England the Territory of Accadie or Nova Scotia and the Lands lying between the said Territory of Nova Scotia and the Province of Main aforesaid were United Erected and incorporated into One [Royal] [*real*] Province by the Name of Our Province of the Massachusets Bay in New England and His said Majesty did thereby grant to Our Loving Subjects the[n] Inhabitants of Our said Province or Territory of the Massachusets Bay in New England and their Successors that there should be a Governor a Lieutenant Governor and Secretary of Our said

Province and Territory to be from time to time appointed and Commissionated by the said King William his Heirs and Successors with several Privileges Franchises and Immunities thereby granted to Our said loving Subjects And Whereas We did by Our Letters Patents under Our Great Seal of Great Britain bearing date at Westminster the Twenty Fifth day of May in the Fourteenth year of Our Reign Constitute and appoint William Shirley Esquire Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England for and during Our Will and Pleasure as by the said recited Letters Patent[s] relation being thereunto had may more fully and large appear Now Know you that We have Revoked and Determined and by these Presents Do Revoke and Determine the said recited Letters Patent and every Clause Article and Thing therein contained And further Know you that We reposing Especial Trust and Confidence in the Prudence Courage and Loyalty of You the said **Thomas Pownall** of Our Especial Grace certain Knowledge and meer Motion have thought fit to Constitute and Appoint and by these Presents Do Constitute and Appoint You the said Thomas Pownall to be Our Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England And for your better Guidance and Direction We do hereby require and Command You to Do and Execute all things in due manner that shall belong unto the Trust We have reposed in you according to the several Powers and Authorities mentioned in the said Charter and in these Presents and such further Powers Instructions and Authorities as you shall receive or which shall at any time hereafter be granted or appointed You under Our Sign Manual and Signet or by Our Order in Our Privy Council in pursuance of the said Charter and according to such reasonable Laws and Statutes as are now in force or which hereafter shall be made and Agreed upon in such manner

and form as by the said Charter is directed And Our Will and Pleasure is that you the said Thomas Pownall after the Publication of these Our Letters Patents do in the First Place take the Oaths appointed to be taken by an Act passed in the First Year of his late Majesty Our Royal Father's Reign Entitled (An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the hopes of the Pretended Prince of Wales and his open and secret Abettors) As also that You make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty fifth year of the Reign of King Charles the Second Entitled (An Act for preventing Dangers which may happen from Popish Recusants) and likewise that you take the usual Oath for the due Execution of the Office and Trust of Our Captain General and Governor in Chief in and over our said Province as well with regard to the due and Impartial Administration of Justice as otherwise and further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the Plantations be Observed which said Oaths and Declaration Our Council of Our said Province or any three of the Members thereof have hereby full Power and Authority and are required to tender and Administer unto you and in your Absence to Our Lieutenant Governor of Our said Province if there be any upon the Place All which being duly performed you shall Administer to Each of the Members of Our said Council and to Our said Lieutenant Governor if there be any upon the Place the Oaths mentioned in the said Act Entitled (An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the pretended Prince of Wales and his Open and secret Abettors) as also to cause them to make and subscribe

the forementioned Declaration and to Administer to them the Oath for the due Execution of their Places and Trusts As also that you Administer or cause to be Administered unto all the Members that shall be elected to serve in the General Assembly of Our said Province the oaths mentioned in the said Act Entitled (An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the Hopes of the Pretended Prince of Wales and his Open and secret Abettors) and likewise [*to*] cause them to make and subscribe the forementioned Declaration and until the same shall be so taken and subscribed no person shall be capable of sitting though elected Our further Will and Pleasure is that you shall and may keep and Use the Publick Seal of our said Province for sealing all things whatsoever that pass the Great Seal of Our said Province under your Government And We do hereby Give and Grant unto you full Power and Authority where you shall see cause and shall Judge any offender or offenders in Capital or Criminal Matters or for any Fines or Forfeitures due unto Us fit Objects of Our Mercy to pardon all such Offenders and to remit such Fines and Forfeitures Treason and Wilful Murder only Excepted In which cases you shall likewise have Power upon Extraordinary Occasions to Grant Reprieves to the Offenders therein To the End and until Our Pleasure shall be further known And We do hereby Give and Grant unto You the said Thomas Pownall by yourself or by your Captains and Commanders by You to be Authorized full Power and Authority to Levy Arm Muster Command and Employ all Persons whatsoever residing within our said Province and Territory of the Massachusetts Bay in New England and as Occasion shall require to March them from one Place to another or to Embark them for resisting and withstanding of all Enemies Pirates and Rebells both at Land and Sea and such Forces with their own Con-

ent or with the Consent of Our Council and Assembly to ransport to any of Our Plantations in America as Occasion hall require for the Defence of the same against the Invasion or Attempts of any of Our Enemies and such Enemies Pirates and Rebels if Occasion shall require to pursue and prosecute in or out of the Limits of Our said Province or any part thereof And if it shall so please God them to Vanquish Apprehend and take and being taken either according to Law to put to Death or keep and preserve alive at your Discretion Wee do further Give and Grant unto You full Power and Authority to Erect Raise and Build within Our Province and Territory aforesaid such and so many Forts Platforms Castles and Fortifications as You shall judge necessary and the same or any of them to Fortify and Furnish with Ordnance Ammunition and all Sorts of Arms fit and necessary for the Security and Defence of Our said Province and from time to time to Commit the Government of the same to such Person or Persons as to You shall seem meet And the said Forts and Fortifications again to Demolish or Dismantle as may be most convenient And to Do and Execute all and every other thing or things which to a Captain General doth or ought of right to belong as fully and amply as any other Our Captain General doth or hath usually done according to the Powers hereby granted or to be granted to you And We do hereby Give and Grant unto You the said Thomas Pownall full Power and Authority to Constitute and Appoint Captains Lieutenants Masters and other Commanders and Officers of Ships and to Grant unto such Captains Lieutenants Masters and other Commanders and Officers of Ships Commissions to Execute the Law Martial according to the directions of an Act passed in the twenty second year of Our Reign Entitled (An Act for Amending Explaining and Reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships Vessels and Forces by Sea) and to Use such Proceedings Authorities Punish-

ments Corrections and Executions upon any Offender or Offenders who shall be Mutinous seditious Disorderly or any way unruly either at Sea or during the time of their Abode or Residence in any of the Ports Harbours or Bays of Our said Province and Territory as the cause shall be found to Require according to Martial Law and the said Directions during the time of war as aforesaid Provided that nothing herein contained shall be construed to the Enabling You or any by your Authority to hold Plea or have Jurisdiction of any Offence Cause Matter or thing Committed or Done upon the High Sea or within any the Havens Rivers or Creeks of Our said Province or Territorys under your Government by any Captain Commander Lieutenant Master or other Officer Seaman Soldier or other Person whatsoever who shall be in Actual Service and Pay in or on Board any of Our Ships of War or other Vessels Acting by immediate Commission or Warrant from Our Commissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty But that such Captain Commander Lieutenant Master Offices Seaman Soldier or other Person so offending shall be left to be proceeded against and tryed as the Merit of their Offences shall require either by Commission under Our Great Seal of Great Britain as the Statute of the Twenty Eighth of Henry the Eighth the[1] directs or by Commission from Our said Commissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being according to the forementioned Act for Amending Explaining and Reducing into one Act of Parliam^t the Laws relating to the Government of His Majesty's Ships Vessells and Forces by Sea Provided also that all Disorders and Misdemeanors committed on Shore by any Captain Commander Lieutenant Master or other Officer Seaman Soldier or other Person whatsoever belonging to any of Our ships of

[1] *Sic.*

War acting by immediate Comission or Warrant from Our Commissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be Tryed and Punished according to the Laws of the Place where any such Disorders Offences and Misdemeanours shall be Committed on Shore notwithstanding such Offender be in Our Actual Service and borne in Our Pay on board any such Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our Commissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any Protection for the Avoiding of Justice for such Offences committed on Shore from any Pretence of his being Employed in Our Service at Sea And further Our Will and Pleasure is that you shall not at any time hereafter by Colour of any Power or Authority hereby granted or mentioned to be granted take upon You to Give Grant or Dispose of any Office or Place within our said Province and Territory which now is or shall be granted under the Great Seal of Great Britain any further than that You may upon the Vacancy of any such Office or Suspension of any Officer by You put in and Person to Officiate in the Interval untill the said Place be disposed of by Us Our Heirs or Successors under the Great Seal of Great Britain or that Our Directions be otherwise given therein And We do hereby require and Command all Officers and Ministers Civil and Military and all other the Inhabitants of Our said Province and Territory to be Obedient Aiding and Assisting unto You the said Thomas Pownall in the Execution of this Our Commission and of the Powers and Authorities therein contained And in case of your Death or Absence out of Our said Province and Territories to be Obedient aiding and assisting unto such Person as shall be appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and

Territories to whom We do therefore by these Presents Give and Grant all and singular the Powers and Authorities herein granted to be by him Executed and Enjoyed during Our Pleasure or untill your Arrival within Our said Province And if upon your Death or Absence out of Our said Province there be no Person upon the Place Commissionated or appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territories Our Will and Pleasure is that Our Council of Our said Province for the time being do take upon them the Administration of the Government and Execute Our said Commission and Instructions and the several Powers and Authorities therein contained in the same manner and to all Intents and Purposes as Our Governor or Commander in Chief of Our said Province and Territories should or ought to do in Case of your Absence untill your Return or in all Cases untill Our further Pleasure be known therein and that in such Case the Eldest Councillor present at each Meeting of the said Councill shall always preside therein And Our Pleasure is that you the said Thomas Pownall shall and may hold Execute and Enjoy the Office and Place of Our Captain General and Governor in Chief in and over Our said Province and Territories of the Massachusets Bay in New England with all and singular the Powers and Authorities hereby granted unto you for and during Our Will and Pleasure And Whereas there are diverse Colonies adjoining to Our Province of the Massachusets Bay for the Defence and Security whereof it is requisite that due care be taken in the Time of War We have therefore thought it further necessary for Our Service and for the better Protection & Security of Our Subjects Inhabiting those parts to Constitute and Appoint And We do by these Presents Constitute and Appoint you the said Thomas Pownall to be Our Captain General and Commander in Chief of the Militia and of all the Forces by Sea and Land within Our Colonies of Rhode Island and

Providence Plantation the Narraganset Country or Kings Province and of all Our Forts and Places of Strength within the Same in Time of War or Imminent Danger And for the better Ordering Governing and Ruling Our said Militia and all Our Forces Forts and Places of Strength within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province We do hereby Give and Grant unto You the said Thomas Pownall and in your Absence to Our Lieutenant Governor or Commander in Chief of Our said Province of the Massachusets Bay all and every the like Powers as in these Presents are before Granted and recited for the Ruling Governing and Ordering Our Militia and all Our Forces Forts and Places of Strength within Our Province of [*the*] Massachusets Bay to be Exercised by you the said Thomas Pownall and in your Absence from Our Territory and Dominion of New England by Our said Lieutenant Governor or Commander in Chief of Our said Province of the Massachusets Bay for the time being within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province during the Time of War or imminent Danger as aforesaid In Witness [&c] [*Whereof We have caused these our Letters to be made Patent*] Witness Ourself at Westminster the Twenty-fifth day of February [*in the Thirtieth Year of Our Reign*]

By Writ of Privy Seal

[*YORKE & YORKE*]

[*The Great Seal of England Appending*]

——*Public Record Office, Patent Roll, 30 George II, Part 4, No. 7.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, pp. 151–155*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante*.

FRANCIS BERNARD'S FIRST COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

14 JANUARY, 1760

[*HIS EXCELLENCY*] FRANCIS BERNARD ESQ^R [*HIS COMMISSION TO BE*] GOVERNOR [OF THE MASSACHUSETS BAY]

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c^a To Our Trusty and Welbeloved FRANCIS BERNARD Esquire[1] *Greeting*

Whereas by a Royal Charter under the Great Seal of England bearing date the Seventh day of October in the Third Year of the Reign of King William the Third the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Main in New England the Territory of Accadie or Nova Scotia and the Lands lying between the said Territory of Nova Scotia and the Province of Main aforesaid were United Erected and Incorporated into One Real Province by the Name of Our Province of the Massachusets Bay in New England And his said Majesty did thereby grant to Our loving Subjects the[n] Inhabitants of Our said Province or Territory of the Massachusets Bay in New England and their Successors that there should be a Governor a Lieutenant Governor and Secretary of Our said Province and Territory to be from time to time appointed and Commission-

[1] Gov. Bernard was created a Baronet 5 April, 1760.

ated by the said King William His Heirs and Successors with several Priviledges Franchizes and Immunities thereby Granted to Our said Loving Subjects And Whereas We did by Our Letters Patent under Our Great Seal of Great Britain bearing date at Westminster the Twenty-fifth day of February in the Thirtieth Year of Our Reign Constitute and Appoint Thomas Pownall Esquire Captain General and Governor in Chief in and Over Our said Province of the Massachusets Bay in New England for and during Our Will and Pleasure as by the said recited Letters Patent relation being thereunto had may more fully and at large Appear Now Know You that We have Revoked and Determined and by these Presents Do Revoke and Determine the said Recited Letters Patent and every Clause Article and Thing therein contained And further Know You that We Reposing Especial Trust and Confidence in the Prudence Courage and Loyalty of you the said Francis Bernard of Our Especial Grace certain Knowledge and meer Motion Have thought Fit to Constitute and Appoint And by these Presents do Constitute and Appoint You the said Francis Bernard to be Our Captain General and Governor in Chief in and Over Our said Province of the Massachusets Bay in New England And for your better Guidance and Direction We do hereby Require and Command You to do and Execute all Things in due manner that shall belong unto the Trust We have reposed in you according to the several Powers and Authorities mentioned in the said Charter and in these Presents and such further Powers Instructions and Authorities as you shall receive or which shall at any time hereafter be granted or appointed you under Our Sign Manual and Signet or by Our Order in Our Privy Council in Pursuance of the said Charter and according to such reasonable Laws and Statutes as are now in force or which hereafter shall be made and agreed upon in such manner and form as by the said Charter is directed And Our Will and

Pleasure is That you the said Francis Bernard after the Publication of these Our Letters Patent do in the first place take the Oaths Appointed to be taken by an Act passed in the first Year of his late Majesty Our Royal Fathers Reign Intituled (An Act for the further Security of His Majestys Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors) As also that You make and subscribe the Declaration mentioned in an Act of Parliament made in the Twenty fifth year of the Reign of King Charles the Second Intituled (An Act for preventing dangers which may happen from Popish Recusants) And likewise that you take the usual Oath for the due Execution of the Office and Trust of Our Captain General and Governor in Chief in and Over Our said Province as well with regard to the due and Impartial Administration of Justice as otherwise And further that you take the Oath required to be taken by Governors of Plantations to do their Utmost that the several Laws relating to Trade and the Plantations be observed Which said Oaths and Declaration Our Council of Our said Province or any three of the Members thereof have hereby full Power and Authority and are required to tender and administer unto you and in your Absence to Our Lieutenant Governor of Our said Province if there be any upon the Place All which being duly performed you shall administer to each of the Members of Our said Council and to Our said Lieutenant Governor if there be any upon the Place the Oaths mentioned in the said Act Intituled (An Act for the further security of His Majestys person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors) As also to cause them to make and subscribe the forementioned Declaration and to administer to them the Oath for the

due Execution of their Places and Trusts As also that you Administer or cause to be Administred unto all the Members that shall be Elected to serve in the General Assembly of our said Province the Oaths mentioned in the said Act Intituled (An Act for the further security of His Majestys Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors) And likewise cause them to make and subscribe the forementioned Declaration and untill the same shall be so taken and Subscribed no Person shall be capable of sitting though Elected Our further Will and Pleasure is That You shall and may keep and use the Publick Seal of Our said Province for Sealing all Things whatsoever that pass the Great Seal of Our said Province under your Government And We do hereby give and grant unto you full Power and Authority where You shall see cause and shall Judge any Offender or Offenders in Capital or Criminal Matters or for any Fines or Forfeitures due unto Us fit Objects of Our Mercy to pardon all such Offenders and to remit such Fines and Forfeitures (Treason and Wilfull Murder only excepted) in which Cases You shall likewise have Power upon Extraordinary Occasions to Grant Reprieves to the Offenders therein to the End and until Our Pleasure shall be further known And We do hereby Give and Grant unto You the said Francis Bernard by Yourself or by Your Captains and Commanders by You to be Authorized full Power and Authority to Levy Arm Muster Command and Employ all Persons whatsoever Residing within Our said Province and Territory of the Massachusets Bay in New England and as Occasion shall require to March them from one Place to another or to Embark them for Resisting and withstanding [at] [*of*] all Enemys Pirates and Rebels both at Land and Sea[l] And such Forces with their own Consent or with the Consent of Our Council and Assembly to Transport to any of Our Planta-

tions in America as Occasion shall require for the Defence of the same against the Invasion or Attempts of any of Our Enemys and such Enemys Pirates and Rebels if Occasion shall require to pursue and prosecute in or out of the Limits of Our said Province or any part thereof And if it shall so please God them to Vanquish Apprehend and Take and being taken either according to Law to put to Death or keep and preserve alive at your Discretion We do further Give and Grant unto You full Power and Authority to Erect Raise and Build within Our Province and Territory aforesaid such and so many Forts Platforms Castles and Fortifications as you shall Judge necessary and the same or any of them to Fortify and Furnish with Ordnance Ammunition and all Sorts of Arms fit and necessary for the Security and Defence of Our said Province and from time to time to Commit the Government of the same to such Person or Persons as to You shall seem meet And the said Forts and Fortifications again to demolish or dismantle as may be most Convenient and to do and Execute all and every other Thing or Things which to [Our] [*a*] Captain General doth or ought of Right to belong as fully and amply as any other Our Captain General doth or hath usually done according to the Powers hereby Granted or to be Granted to you And We do hereby Give and Grant unto You the said Francis Bernard full Power and Authority to Constitute and Appoint Captains Lieutenants Masters and other Commanders and Officers of Ships and to Grant unto such Captains Lieutenants Masters and other Commanders and Officers of Ships Commissions to Execute the Law Martial according to the directions of an Act passed in the Twenty second year of Our Reign Intituled (An Act for Amending Explaining and Reducing into One Act of Parliament the Laws relating to the Government of His Majestys Ships Vessels and Forces by Sea) and to Use such Proceedings Authorities Punishments Corrections and Executions upon any Offender or Offenders who shall be

Mutinous Seditious Disorderly or any way[s] Unruly either at Sea or during the time of their Abode or Residence in any of the Ports Harbours or Bays of Our said Province and Territory as the Cause shall be found to require according to Martial Law and the said Directions during the time of War as aforesaid Provided that nothing herein Contained shall be Construed to the Enabling you or any by Your Authority to hold Plea or have Jurisdiction of any Offence Cause Matter or Thing committed or done upon the High Sea or within any the Havens Rivers or Creeks of Our said Province or Territorys under Your Government by any Captain Commander Lieutenant Master or other Officer Seaman Soldier or other Person whatsoever who shall be in actual service and pay in or on Board any of Our Ships of War or other Vessels Acting by immediate Commission or Warrant from Our Commissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty But that such Captain[s] Commander Lieutenant Master Officer Seaman Soldier or other Person so offending shall be left to be proceeded against and Tryed as the Merit of their Offences shall require either by Commission under Our Great Seal of Great Britain as the Statute of the Twenty eighth of Henry the Eighth directs or by Commission from Our said Commissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being according to the forementioned Act for Amending explaining and Reducing into One Act of Parliament the Laws relating to the Government of His Majestys Ships Vessels and Forces by Sea and not otherwise Provided also that all Disorders and Misdemeanors Committed on Shore by any Captain Commander Lieutenant Master or other Officer Seaman Soldier or other person whatsoever belonging to any of Our Ships of War acting by Immediate Commission or Warrant from Our Commissioners for Executing the Office

of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be Tryed and punished according to the Laws of the Place where any such Disorders Offences and Misdemeanors shall be committed on Shoar notwithstanding such Offender be in Our Actual Service and Born in Our Pay on Board any such Our Ships of War or other Vessels acting by Immediate Commission or Warrant from Our Commissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being as aforesaid so as he shall not Receive any Protection for the Avoiding of Justice for such Offences committed on Shore from any pretence of his being Employed in Our Service at Sea And further Our Will and Pleasure is that you shall not at any time hereafter by Colour of any Power or Authority hereby Granted or mentioned to be Granted take upon you to Give Grant or dispose of any Office or Place within our said Province and Territorys which now is or shall be granted under the Great Seal of Great Britain any further than that you may upon the Vacancy of any such Office or suspension of any Officer by you put in any Person to Officiate in the Interval untill the said Place be disposed of by Us Our Heirs or Successors under the Great Seal of Great Britain or that Our Directions be otherwise given therein And We do hereby require and Command all Officers and Ministers Civil and Military and all other the Inhabitants of Our said Province and Territory to be obedient Aiding and Assisting unto you the said Francis Bernard in the Execution of this Our Commission and of the Powers and Authoritys therein contained and in case of your Death or Absence out of Our said Province and Territories to be Obedient Aiding and Assisting unto such Person as shall be appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territories to whom We do therefore by these Presents Give and Grant

all and singular the Powers and Authorities herein Granted to be by him Executed and Enjoyed during Our Pleasure or untill your Arrivall within Our said Province And if upon your Death or Absence out of Our said Province there be no Person upon the Place commissionated or Appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territories Our Will and Pleasure is that Our Council of Our said Province for the time being do take upon them the Administration of the Government and Execute Our said Commission and Instructions and the several Powers and Authorities therein contained in the same manner and to all Intents and Purposes as Our Governor or Commander in Chief of Our said Province and Territories should or ought to do in case of Your Absence until your Return or in all Cases until Our further Pleasure be known therein and that in such Case the Eldest Councillor present at Each Meeting of the said Council shall always preside therein And Our [Will and] Pleasure is that You the said Francis Bernard shall and may hold Execute and Enjoy the Office and Place of Our Captain General and Governor in Chief in and Over Our said Province and Territories of the Massachusets Bay in New England with all and singular the Powers and Authorities hereby Granted unto you for and during Our Will and Pleasure And whereas there are divers Colonies adjoining to Our Province of the Massachusets Bay for the Defence and Security whereof it is requisite that due Care be taken in the time of War We have therefore thought it further necessary for Our Service and for the better Protection and Security of Our Subjects Inhabiting those parts to Constitute and Appoint And We do by these Presents Constitute and appoint you the said Francis Bernard to be Our Captain General and Commander in Chief of the Militia and of all the Forces by Sea and Land within Our Colonies of Rhode Island and Providence Plantation the Narraganset Country or Kings

Province and of all Our Forts and Places of Strength within the same in time of War or [imminent] [*eminent*] danger And for the better Ordering Governing and Ruling Our said Militia and all Our Forces Forts and Places of Strength within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province; We do hereby Give and Grant unto you the said Francis Bernard and in your Absence to Our Lieutenant Governor or Commander in Chief of Our said Province of the Massachusets Bay all and every the like Powers as in these presents are before Granted and Recited for the Ruling Governing and Ordering Our Militia and all Our Forces Forts and Places of Strength within Our Province of [*the*] Massachusets Bay to be Exercised by You the said Francis Bernard and in Your Absence from Our Territory and Dominion[*s*] of New England by Our said Lieutenant Governor or Commander in Chief of Our said Province of the Massachusets Bay for the time being within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province during the time of War or imminent danger as aforesaid In Witness [&c] [*whereof We have Caused these Our Letters to be made Patent*] Witness Ourself at Westminster the [the] fourteenth day of January [*in the thirty-third year of Our Reign*]

By Writ of Privy Seal

[*YORK & YORK*]

[*The Great Seal of England Appending*
Examined A OLIVER *Sec^y*]

—— *Public Record Office, Patent Roll, 33 George II, Part 2, No. 3.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, pp. 176–184*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante*.

FRANCIS BERNARD'S SECOND COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

4 April, 1761

[FRANCIS BERNARD ESQ^R GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY]

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To Our trusty and well beloved Francis Bernard Esquire *Greeting*

Whereas by a Royal Charter under the great Seal of England bearing date the seventh day of October in the Third year of the Reign of King William the Third the Colony of the Massachusets Bay the Colony of [New England] [*Plymouth*] the Province of Main in New England the Territory of Accadia or Nova Scotia and the Lands lying between the said Territory of Nova Scotia and the Province of Main aforesaid were united Erected and Incorporated into one Real Province by the Name of our Province of the Massachusets Bay in New England and His said Majesty did thereby grant to Our loving Subjects the Inhabitants of Our said Province or Territory of the Massachusetts Bay in New England and their Successors that there should be a Governor a Lieutenant Governor and a Secretary of Our said Province and Territory to be from time to time appointed and comissionated by the said King William his Heirs and

Successors with several Privileges Franchises and Immunities thereby granted to Our said Loving Subjects And whereas Our late Royal Grandfather of blessed Memory did by his Letters Patent under the Great Seal of Great Britain bearing date at Westminster the fourteenth day of January in the thirty Third year of His Reign constitute and appoint you the said Francis Bernard Captain General and Governor in Chief in and over Our said Province of the Massachusetts Bay in New England for and during his late Majesty's Will and Pleasure as by the said recited Letters Patent Relation being thereunto had may more fully and at large appear Now Know you that wee Have revoked and determined and by these presents do revoke and determine the said recited Letters Patent and every Clause Article and Thing therein contained And further Know you that Wee reposing especial Trust and Confidence in the Prudence, Courage and Loyalty of you the said Francis Bernard of Our especial Grace certain knowledge and meer Motion have thought fit to constitute and appoint and by these presents do constitute and appoint you the said Francis Bernard to be our Captain General and Governor in Chief in and over Our said Province of the Massachusetts Bay in New England and for your better guidance and direction Wee do hereby require and Command you to do and Execute all things in due manner that shall belong unto the Trust Wee have reposed in you according to the several Powers and Authorities mentioned in the said Charter and in these Presents and such further Powers Instructions and Authorities as you shall receive or which shall at any time hereafter be granted or appointed you under Our Sign Manual and Signet or by Our Order in Our Privy [*Privy*] Council in pursuance of the said Charter, and according to such reasonable Laws and Statutes as are now in force, or which hereafter shall be made and agreed upon in such manner and form as by the said Charter is directed And

Our Will and Pleasure is that you the said Francis Bernard after the publication of these Our Letters Patent do in the first place take the Oaths appointed to be taken by an Act passed in the first year of the Reign of King George the first of blessed memory Entituled (an Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the hopes of the Pretended Prince of Wales and his open and secret Abettors) as also that you make and subscribe the declaration mentioned in an Act of Parliament made in the Twenty Fifth Year of the Reign of King Charles the Second Intituled (An Act for preventing dangers which may happen from Popish Recusants) and likewise that you take the usual Oaths for the due Execution of the Office and Trust of Our Captain General and Governor in Chief in and over Our said Province as well with regard to the due and Impartial Administration of Justice as otherwise And further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the Plantations be observed which said Oaths and Declaration our Council of Our said Province, or any three of the Members thereof have hereby full Power and Authority and are required to tender and administer unto you and in your Absence to Our Lieutenant Governor of Our said Province if there be any upon the Place All which being duly performed you shall administer to each of the Members of our said Council And to our said Lieut Governor if there be any upon the Place the Oaths mentioned in the said Act Intituled (An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the hopes of the Pretended Prince of Wales and his open and secret Abettors) as also cause them to make and subscribe the [*be*]forementioned

Declaration and to administer to them the Oath for the due execution of their Places and Trusts As also that you administer or cause to be administ[er]ed unto all the Members that shall be Elected to serve in the General Assembly of Our said Province the Oaths mentioned in the said Act Intituled (An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the hopes of the Pretended Prince of Wales and his open and secret Abettors) and likewise cause them to make and subscribe the [a]forementioned Declaration and untill the same shall be so taken and subscribed no Person shall be capable of sitting tho' Elected Our further Will and Pleasure is that you shall and may keep and use the Publick Seal of Our said Province for sealing all things whatsoever that pass the Great Seal of Our said Province under your Government And We do hereby give and grant unto you full Power and Authority where you shall see cause and shall Judge any Offender or Offenders in Capital or Criminal Matters or for any Fines or Forfeitures due unto Us fit Objects of Our Mercy to pardon all such Offenders and to remit such Fines and Forfeitures Treason and Wilfull Murder only Excepted In which Cases you shall likewise have power upon Extraordinary Cases to grant Reprieves to the Offenders therein To the End and untill Our Pleasure be further known And Wee do hereby give and grant unto you the said Francis Bernard by yourself or by your Captains and Comanders by you to be Authorized full Power and Authority to Levy Arm Muster Command and Employ all Persons whatsoever residing within Our said Province and Territory of the Massachusetts Bay in New England and as occasion shall require to March them from one place to another or to Embark them for resisting and withstanding all Enemies Pirates and Rebels both at Land and Sea and such Forces with their own Consent or with the Consent of Our Council and Assembly to transport

to any of Our Plantations in America as occasion shall require for the defence of the same against the Invasion[s] or Attempts of any of Our Enemies and such Enemies Pirates and Rebels if occasion shall require to pursue and prosecute in or Out of the Limitts of Our said Province or any part thereof And if it shall so please God to vanquish apprehend and take and being taken either according to Law to put to Death or keep and preserve alive at your Discretion Wee do further give and grant unto You full Power and Authority to Erect raise and build within Our Province and Territory aforesaid such and so many Forts Platforms Castles and Fortifications as you shall Judge necessary And the same or any of them to Fortify and furnish with Ordnance Ammunition and all Sorts of Arms fit and necessary for the Security and Defence of Our said Province and from time to time to commit the Government of the same to such Person or Persons as to you shall seem meet and the said Forts and Fortifications again to demolish or dismantle as may be most convenient and to do and Execute all and every other Thing or Things which to a Captain General doth or ought of Right to belong as fully and amply as any other Our Captain General doth or hath usually done according to the Powers hereby granted or to be granted to you And Wee do hereby give and grant unto you the said Francis Bernard full Power and Authority to constitute and appoint Captains Lieutenants Masters and other Commanders and Officers of Ships and to grant unto such Captains Lieutenants Masters and other Commanders and Officers of Ships Comissions to Execute the Law martial according to the Directions of an Act passed in the twenty Second year of the Reign of Our late Royal Grandfather Intitled (An Act for amending Explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships Vessels and Forces by Sea) and to use such Proceedings Authorities Punishments Corrections and Executions upon

any Offender or Offenders who shall be mutinous Seditious disorderly or any way unruly either at Sea or during the Time of their Abode or Residence in any of the Ports Harbours or Bays of Our said Province and Territory as the Case shall be found to require according to Martial Law and the said Directions during the Time of Warr as aforesaid Provided that Nothing herein contained shall be construed to the Enabling you or any by your Authority to hold Plea or have Jurisdiction of any Offence Cause Matter or thing committed or done upon the High Sea or within any the [Havens] [*Harbours*] Rivers or Creeks of Our said Province or Territorys under your Government by any Captain Comander Lieutenant Master or other Officer Seaman Soldier or other Person whatsoever who shall be in Actual Service and pay in or on board any of Our Ships of War or other Vessels acting by imediate Commission or Warrant from Our Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty but that such Captain Commander Lieutenant Master Officer Seaman Soldier or other Person so offending shall be left to be proceeded against and tryed as the Merit of their Offences shall require either by Comission under Our Great Seal of Great Britain as the Statute of the twenty Eighth of Henry the Eighth directs or by Comission from Our said Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the Time being according to the [*be*]forementioned (Act for amending Explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships Vessels and Forces by Sea) and not otherwise Provided also that all Disorders and misdemeanors committed on Shore by any Captain Comander Lieutenant Master or other officer Seaman Soldier or other Person whatsoever belonging to any of Our Ships of Warr acting by imediate Comission or Warrant from our Comissioners for

Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be tryed and punished according to the Laws of the Place where any such Disorders Offences and Misdemeanors shall be comitted on shore notwithstanding such Offender be in Our Actual Service [and] borne in Our Pay on board any such Our Ships of Warr or other Vessels Acting by imediate Commission or Warrant from Our Comissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of Justice for such Offences comitted on shore from any pretence of his being employed in Our Service at Sea And further Our Will and Pleasure is that you shall not at any Time hereafter by Colour of any Power or Authority hereby granted or mentioned to be granted take upon you to give grant or dispose of any Office or Place within Our said Province and Territories which now is or shall be granted under the Great Seal of Great Britain any further than that you may upon the vacancy of any such Office or Suspension of any Officer by you put in any Person to Officiate in the Interval untill the said Place be disposed of by Us Our Heirs or Successors under the Great Seal of Great Britain or that Our Directions be otherwise given therein And Wee do hereby require and comand all Officers and Ministers Civil and Military And all other the Inhabitants of Our said Province and Territory to be obedient aiding and Assisting unto you the said Francis Bernard in the Execution of this Our Commission and of the Powers and Authorities therein contained and in Case of your Death or Absence out of Our said Province and Territories to be obedient aiding and assisting unto such person as shall be appointed by us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territories to whom Wee do therefore by these presents give and grant all

and singular the Powers and Authorities herein granted to be by him Executed and enjoyed during Our Pleasure or untill your Arrival within Our said Province And if upon your Death or Absence out of Our said Province there be no Person upon the place Comissionated or appointed by Us to be Our Lieutenant Governor or Comander in Chief of Our said Province and Territories Our Will and Pleasure is that Our Council of Our said Province for the time being do take upon them the Administration of the Government and Execute Our said Comission and Instructions and the [*said*] several Powers and Authorities therein contained in the same manner and to all Intents and purposes as Our Governor or Comander in Chief of Our said Province and Territories should or ought to do in Case of your Absence untill your Return or in all Cases untill Our further Pleasure be known therein And that in such Case the Eldest Councillor present at each Meeting of the said Council shall always preside therein And Our Pleasure is that you the said Francis Bernard shall and may hold Execute and Enjoy the office and place of Our Captain General and Governor in Chief in and over Our said Province and Territories of the Massachusetts Bay in New England with all and Singular the Powers and Authorities hereby granted unto you for and during Our Will and Pleasure And Whereas there are diverse Colonies adjoining to Our Province of the Massachusets Bay for the Defence and Security whereof it is requisite that due care be taken in the time of Warr Wee have therefore further thought it necessary for our Service and the better protection and Security of Our Subjects Inhabiting these Parts to constitute and appoint and Wee do by these presents constitute and appoint you the said Francis Bernard to be Our Captain General and Comander in Chief of the Militia and of all the Forces by Sea and Land within Our Colonies of Rhode Island and Providence Plantation the Narraganset Country or Kings Province and of all Our Forts and Places of Strength within

the same in Time of Warr or Eminent Danger And for the better ordering Governing and ruling our said Militia and all our Forces Forts and Places of Strength within our said Colonies of Rhode Island and Providence Plantation and the Narragansett Country or Kings Province Wee do hereby give and grant unto you the said Francis Bernard and in your Absence to Our Lieutenant Governor or Comander in Chief of Our said Province of the Massachusets Bay all and every the like Powers as in these presents are before granted and recited for the ruling and governing and ordering Our Militia and all Our Towns Forts and Places of Strength within Our Province of the Massachusetts Bay to be Exercised by you the said Francis Bernard and in your Absence from Our [said] Territory & Dominion of New England by Our said Lieutenant Governor or Comander in Chief of Our said Province of the Massachusetts Bay for the time being within Our said Colonies of Rhode Island and Providence Plantation and the Narragansett Country or Kings Province during the time of Warr or Eminent danger as aforesaid In Witness [&c] [*whereof We have caused these Our Letters to be made Patent*] Witness Ourself at Westminster the fourth day of April [*In the First year of our Reign*]

By Writt of Privy Seal

[*YORKE AND YORKE*]

[*The Great Seal of England Appending*
Examined A OLIVER *Sec^y*]

—— *Public Record Office, Patent Roll, 1 George III, Part 10, No. 20.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, pp. 199–206*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante.*

THOMAS HUTCHINSON'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

28 NOVEMBER, 1770

[*COMMISS*^{N} *TO*] THOMAS HUTCHINSON ESQ^{R} [*TO BE*] GOVERNOR OF [*THE*] MASSACHUSETS BAY

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To Our Trusty and Welbeloved THOMAS HUTCHINSON Esquire *Greeting*

Whereas by a Royal Charter under the Great Seal of England bearing date the Seventh day of October in the Third year of the Reign of King William the Third the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Main in New England The Territory of Accadie or Nova Scotia and the Lands lying between the said Territory of Nova Scotia and the Province of Main aforesaid were united erected and incorporated into One Real Province by the name of Our Province of the Massachusets Bay in New England and his said Majesty did thereby grant to our loving Subjects the Inhabitants of Our said Province or Territory of the Massachusets Bay in New England and their Successors that there should be a Governor [or] [*a*] Lieutenant Governor and Secretary of Our said Province and Territory to be from time to time appointed and commission[at]ed

by the said King William [*the third*] [his Heirs] & Successors with several privileges Franchises and immunities thereby granted to Our said loving Subjects and Whereas We did by Our Letters Patent under Our Great Seal of Great Britain bearing date at Westminster the fourth day of April in the first year of Our Reign Constitute and Appoint Francis Bernard Esquire Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England for and during Our Will & Pleasure as by the said recited Letters Patent (relacon̄ being thereunto had) may more fully and at large Appear Now Know you that We have revoked and determined and by these Presents do revoke and determine the said recited Letters Patent and every Clause Article and thing therein contained And further Know you that We reposing especial Trust and Confidence in the Prudence Courage and Loyalty of you the said **Thomas Hutchinson** of our especial grace certain knowledge and mere Motion have thought fit to Constitute and Appoint [*& by these presents do constitute and appoint*] You the said Thomas Hutchinson to be Our Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England And for your better Guidance and Direction We do hereby require and command You to do and execute all things in due manner that shall belong unto the Trust We have reposed in You according to the several Powers and Authorities mentioned in the said Charter and in these Presents and such further Powers Instructions and Authorities as you shall receive or which shall at any time hereafter be granted or appointed you under Our Sign Manual and Signet or by Our Order in Our Privy Council in Pursuance of the said Charter and according to such reasonable Laws and Statutes as are now in force or which hereafter shall be made and agreed upon in such manner and form as by the said Charter is directed And Our Will and pleasure is that you the said Thomas Hutch-

inson after the Publication of these Our Letters Patent do in the first place take the Oaths appointed to be taken by an Act passed in the first year of the Reign of King George the First Intituled An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors And by an Act passed in the Sixth year of Our Reign Intituled an Act for altering the Oath of Abjuration and the Assurance and for amending so much of an Act of the Seventh year of her late Majesty Queen Anne Intituled An Act for the Improvement of the Union of the two Kingdoms as after the time therein limitted require[s][*d*] the Delivery of certain Lists and Copies therein mentioned to Persons Indicted of High Treason or misprision of Treason As also that you make and subscribe the Declaration mentioned in an Act of Parliament made in the Twenty fifth year of the Reign of King Charles the second intituled an Act for preventing Dangers which may happen from Popish Recusants And likewise that you take the usual Oath[*s*] for the due Execution of the Office and Trust of Our Captain General and Governor in Chief in and over Our said Province as well with regard to the due and impartial Administration of Justice as otherwise and further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the Plantations be observed Which said Oaths and Declaration Our Council of Our said Province or any three of the Members thereof have hereby full Power and Authority & are required to tender and administer unto you and in your Absence to Our Lieutenant Governor of Our said Province if there be any upon the Place all which being duly performed You shall administer to each of the Members of Our said Council and to Our said Lieutenant Governor if there be

any upon the place the Oaths mentioned in the said Acts intituled An Act for the further Security of His Majesty's Person and Government and the Succession of the crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors and an Act for altering the Oath of Abjuration and the Assurance and for amending so much of an Act of the Seventh year of her late Majesty Queen Anne intituled an Act for the Improvement of the Union of the two Kingdoms as after the time therein limitted require[s] [*d*] the Delivery of certain Lists and Copies therein mentioned to persons Indicted of High Treason or Misprision of Treason As also cause them to make and subscribe the aforementioned Declaration and administer to them the Oath for the due Execution of their Places and Trusts You shall also administer or cause to be administred unto all the Members that shall be elected to serve in the General Assembly of Our said Province the Oaths mentioned in the said Acts Intituled An Act for the further Security of His Majesty's person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors and An Act for altering the Oath of Abjuration and the Assurance and for [*the*] amending so much of an Act of the Seventh year of her late Majesty Queen Anne Intituled An Act for the Improvement of the Union of the two Kingdoms as after the time therein limitted require[s] [*d*] the delivery of certain Lists and Copies therein mentioned to persons Indicted of High Treason or Misprision of Treason And likewise cause them to make and subscribe the aforementioned Declaration and untill the same shall be so taken and subscribed no person shall be capable of sitting though Elected Our [further] Will and Pleasure is that you shall and may keep and use the publick Seal of Our said Province for sealing all things whatsoever

that pass the Great Seal of Our said Province under [your] [*our*] Government And We do hereby give and grant unto You full power and Authority where you shall see cause and shall judge any Offender or Offenders in Capital or Criminal Matters or for any Fines or Forfeitures due unto Us fit Objects of Our Mercy to pardon all such Offenders and to remit such Fines [and] [*or*] Forfeitures Treason[*s*] and wilfull Murder only excepted in which cases You shall likewise have power upon extraordinary Occasions to grant Reprieves to the Offenders therein to the End and until Our pleasure shall be further known And We do hereby give and grant unto you the said Thomas Hutchinson by Yourself or by Your Captains and Commanders by you to be authorized full power and Authority to levy Arm muster command and employ all persons whatsoever residing within Our said Province and Territory of the Massachusets Bay in New England and as occasion shall require to march them from one place to another or to embark them for resisting and withstanding of all enemies Pirates and Rebels both at Land and Sea and such Forces with their own Consent or with the Consent of Our Council and Assembly to transport to any of Our Plantations in America as occasion shall require for the Defence of the Same against the Invasion or Attempts of any of Our Enemies and such Enemies Pirates and Rebels if Occasion shall require to pursue and prosecute in or out of the Limits of Our said Province or any part thereof and if it shall so please God them to vanquish apprehend and take and being taken either according to Law to put to death or keep and preserve alive at your Discretion We do further give and grant unto You full Power and Authority to erect raise and build within Our Province and Territory aforesaid such and so many Forts Platforms Castles and Fortificacoñs as you shall judge necessary and the same or any of them to fortify and furnish with Ordnance Ammunition and all sorts of Arms fit and necessary

for the Security and defence of Our said Province and from time to time to commit the Government of the same to such person or persons as to You shall seem meet And the said Forts and Fortifications again to demolish or dismantle as may be most convenient and to do and execute all and every other thing or things which to a Captain General doth or ought of right to belong as fully and amply as any other Our Captain General doth or hath usually done according to the powers hereby granted or to be granted to you And We do hereby give and grant unto you the said Thomas Hutchinson full power and authority to constitute and Appoint Captains Lieutenants Masters and other Commanders and Officers of Ships and to grant unto such Captains Lieutenants Masters and other Commanders and Officers of Ships Commissions to execute the Law Martial according to the directions of an Act passed in the Twenty second year of the Reign of Our late royal Grandfather Intituled an Act for amending explaining and reducing into One Act of Parliament the Laws relating to the Government of his Majesty's Ships Vessels and Forces by Sea and to use such Proceedings Authorities Punishments Corrections & Executions upon any Offender or Offenders who shall be mutinous seditious disorderly or any way unruly either at Sea or during the time of their Abode or residence in any of the Ports Harbours or Bays of Our said Province [and] [*or*] Territory as the cause shall be found to require according to [Martial] [*marshall*] Law and the said Directions during the time of War as afores[d] Provided that nothing herein contained shall be construed to the enabling you or any by your Authority to hold Plea or have Jurisdiction of any Offence Cause matter or thing committed or done upon the High Sea or within any the [Havens] [*Harbours*] Rivers or Creeks of Our said Province or Territory under Your Government by any Captain Commander Lieutenant Master or other Officer Seaman [*or*]

Soldier or other Person whatsoever who shall be in actual Service and Pay in or on board any of Our Ships of War or other Vessels acting by immediate Comicon or Warrant from Our Commissioners for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty but that such Captain Comander Lieutenant Master Officer Seaman Soldier or other Person so Offending shall be left to be proceeded against and tryed as the Merit of their Offence[s] shall require either by Commission under Our Great Seal of Great Britain as the Statute of the Twenty Eighth of Henry the Eighth directs or by Commission from Our said Comiconers for Executing the office of Our High Admiral or from Our High Admiral of Great Britain for the time being according to the aforementioned Act for amending explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships Vessels and Forces by sea and not otherwise Provided also that all Disorders and Misdemeanors committed on shore by any Captain Commander Lieutenant Master [or] [*and*] other Officer Seaman Soldier or other person whatsoever belonging to any of Our Ships of War acting by immediate Commission or Warrant from Our Comm^rs^ for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be Tryed and punished according to the Laws of the place where any such Disorders Offences and misdemeanors shall [*shall*] be committed on Shore notwithstanding such Offender be in Our Actual Service and born in Our Pay on board [and] such Our ships of War or other Vessels acting by immediate Comission or Warrant from Our Commissioners for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being as aforesaid [so as] [*and*] he shall not receive any protection for the avoiding of Justice for such offence[s] committed on shore from any

pretence of his being employed in Our Service at Sea And further Our Will and Pleasure is that you shall not at any time hereafter by Colour of any Power or Authority hereby granted or mentioned to be granted take upon you to give grant or dispose of any Office or Place within Our said Province and Territory which now is or shall be granted under the Great Seal of Great Britain any further than that You may upon the vacancy of any such Office or suspension of any Officer by You put in any person to Officiate in the Interval until the said place be disposed of by us Our Heirs or Successors under the Great Seal of Great Britain or that Our Directions be otherwise given therein And We do hereby require and command all officers and Ministers Civil and Military And all other the Inhabitants of Our said Province and Territory to be obedient aiding and assisting unto you the said Thomas Hutchinson in the Execution of this Our Commission and of the Powers and Authorities therein contained And in case of your Death or Absence out of Our said Province and Territory to be obedient aiding and assisting unto such person as shall be appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territory to whom We do therefore by these presents give and grant all and singular the Powers and Authorities herein granted to be by him exe[cut][*rcis*]ed and enjoyed during Our Pleasure or until Your Arrival within Our [*said*] Province And if upon your Death or Absence out of Our said Province there be no person upon the place commissionated or appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territory Our Will and Pleasure is that Our Council of our said Province for the time being do take upon them the Administration of the Governm^{t} and execute Our said Comission and Instructions and the several Powers and Authorities therein contained in the same manner and to all intents and purposes as Our

Governor or Commander in Chief of Our said Province and Territory should or ought to do in case of Your Absence until Your Return or in all cases until Our further pleasure be known therein And that in such case the Eldest Councillor present at each Meeting of the said Council shall always preside therein And Our Pleasure is that you the said Thomas Hutchinson shall and may hold exe[cut] [*rcis*]e and enjoy the Office and Place of Our Captain General and Governor in Chief in and over Our said Province and Territory of the Massachusets Bay in New England with all and singular the Powers and Authorities hereby granted unto you for and during Our Will and Pleasure And Whereas there are divers Colonies adjoining to Our Province of the Massachusets Bay for the Defence and Security whereof it is requisite that due Care be taken in the time of War We have therefore thought it further necessary for Our Service and for the better Protection and Security of Our Subjects inhabiting those parts to Constitute and Appoint And We do by these Presents Constitute and Appoint you the said Thomas Hutchinson to be Our Captain General and Commander in Chief of the Militia and of all the Forces by Sea and Land within Our Colonies of Rhode Island and Providence Plantation[*s*] the Narraganset Country or King's Province and of all Our Forts and Places of Strength within the same in the time of War or imminent Danger And for the better Ordering Governing & ruling Our said Militia and all Our Forces Forts and Places of Strength within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or King's Province We do hereby give and grant unto you the said Thomas Hutchinson and in Your Absence to Our Lieutenant Governor or Commander in Chief of Our said Province of [the] Massachusets Bay all and every the like Powers as in these Presents are before granted and recited for the Ruling governing and Ordering Our Militia and all Our Forces Forts and Places of Strength

within Our Province of Massachusets Bay to be Exercised by You the said Thomas Hutchinson and in your Absence from Our Territory and Dominion of New England by Our said Lieutenant Governor or Commander in Chief of Our said Province of the Massachusets Bay for the time being within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province during the time of War or imminent Danger as aforesaid In Witness [&c] [*whereof we have caused these Our Letters to be made Patent*] Witness Ourself at Westminster the twenty-eighth day of November [*in the Eleventh year of Our Reign*]

By Writt of Privy Seal
[*YORKE*]

[(*Great Seal of England appending*)
Exam[d] *p* JN[o] COTTON *D. Secry*]

—— *Public Record Office, Patent Roll, 11 George III, Part 2, No. 20.* Compared with the record of Royal Commissions (*Crown Commissions, 1677–1774, pp. 118–123*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante*.

THOMAS GAGE'S COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

7 April, 1774

[THOMAS GAGE ESQ^R COMMISSION]

George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c^a To Our Trusty and Wellbeloved Thomas Gage Esquire Lieutenant General of our Forces *Greeting*

Whereas by a Royal Charter under the Great Seal of England bearing date the Seventh day of October in the third year of the Reign of King William the third the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Main in New England the Territory of Accadie or Nova Scotia and the Lands lying between the said Territory of Nova Scotia and the Province of Main aforesaid were united Erected and Incorporated into one real Province by the Name of our Province of the Massachusets Bay in New England and His said Majesty did thereby grant to our Loving Subjects the Inhabitants of our said Province or Territory of Massachusets Bay in New England and their Successors that there should be a Governor or Lieutenant Governor and Secretary of Our said Province and Territory to be from time to time Appointed

and Commissionated by the said King William His Heirs and Successors with several priviledges Franchises and Immunities thereby granted to our said loving Subjects And Whereas wee did by Our Letters Patent under Our Great Seal of Great Britain bearing date at Westminster the Twenty fourth[1] day of November in the Eleventh year of Our Reign Constitute and appoint Thomas Hutchinson Esquire Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England for and during our Will and Pleasure as by the said recited Letters Patent relation being thereunto had may more fully and at large appear Now Know You that Wee have revoked and determined and by these Presents Do revoke and determine the said recited Letters Patent and every Clause Article and thing therein Contained And further Know You that Wee reposing Especial Trust and Confidence in the Prudence Courage and Loyalty of you the said **Thomas Gage** of our Especial Grace certain knowledge and mere motion have thought fit to Constitute and Appoint and by these presents do constitute and appoint you the said Thomas Gage to be Our Captain General and Governor in Chief in and over Our said Province of the Massachusets Bay in New England and for your better Guidance and Direction Wee do hereby require and Command you to do and Execute all things in due manner that shall belong unto the Trust Wee have reposed in You according to the severall Powers and Authorities mentioned in the said Charter and in these Presents and such further powers Instructions and Authorities as you shall receive or which shall at any time hereafter be granted or appointed you under Our Sign Manual and Signet or by Our Order in Our Privy Council in pursuance of the said Charter and According to such reasonable Laws and Statutes as are now in force of which hereafter shall be made and agreed upon in such manner and form

[1] Doubtless a clerical error for "twenty eighth:" see p. 173, *ante*.

as by the said Charter is directed And Our Will and Pleasure is that you the said Thomas Gage after the publication of these our Letters patent Do in the first place take the Oaths Appointed to be taken by an Act passed in the first year of the Reign of King George the First Intituled (An Act for the further Security of His Majestys Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors) and by an Act passed in the Sixth year of Our Reign Intituled (An Act for Altering the Oath of Abjuration and the Assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Ann Intituled An Act for the Improvement of the Union of the two Kingdoms as after the time therein limitted requires the delivery of Certain Lists and Copies therein mentioned to Persons Indicted of High Treason or Misprision of Treason) As also that you make and subscribe the Declaration mentioned in An Act of Parliament made in the Twenty fifth year of the Reign of King Charles the Second Intituled (An Act for preventing danger[s] which may happen from Popish Recusants) and likewise that you take the usual Oath for the due Execution of the Office and Trust of our Captain General and Governor in Chief in and over our said Province as well with regard to the due and impartial administration of Justice as otherwise and further that you take the Oath required to be taken by Governors of plantations to do their utmost that the several Laws relating to Trade and the Plantations be observed which said Oaths and Declaration Our Council of Our said Province or any three of the Members thereof have hereby full Power and Authority and are required to Tender and Administer unto you and in your absence to Our Lieutenant Governor of Our said Province if there be any upon the place all which being duly performed

You shall administer to each of the Members of Our said Council And to Our said Lieutenant Governor if there be any upon the place the Oaths mentioned in the said Act[s] Intituled (An Act for the further Security of His Majesty's person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants And for extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors) and (an Act for Altering the Oath of Abjuration And the Assurance and for Amending so much of an Act of the Seventh year of her late Majesty Queen Anne Intituled An Act for the Improvement of the union of the two kingdoms as after the time therein limitted requires the Delivery of certain Lists and Copies [therein mentioned] to persons Indicted of High Treason or Misprision of Treason) [As] [*and*] also Cause them to make and Subscribe the aforementioned Declaration and administer to them the Oath for the due Execution of their places and Trusts You shall also administer or Cause to be Administered unto [all] the Members that shall be Elected to serve in the General Assembly of Our said Province the Oaths mentioned in the said Acts Intituled (An Act for the [further] [*better*] Security of his Majesty's person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the Hopes of the pretended Prince of Wales and his open and Secret abettors) and (An Act for Altering the Oath of Abjuration and the Assurance and for amending so much of an Act of the Seventh year of her late Majesty Queen Anne Intituled An Act for the Improvement of the union of the two Kingdoms as after the time therein Limitted requires the Delivery of certain Lists and Copies therein mentioned to persons Indicted of High Treason [or] [*and*] Misprision of Treason) and likewise Cause them to make and Subscribe the aforementioned Declaration and until the same shall be so taken and subscribed no person shall be capable of Sitting

though Elected Our further Will and Pleasure is that you shall and may keep and use the public Seal of Our said Province for sealing all things whatsoever that pass the Great Seal of Our said Province under Your Government And Wee do hereby Give and Grant unto You full Power and Authority where you shall see Cause and shall Judge any Offender [or] [*and*] Offenders in Capital or Criminal matters or for any Fines [or] [*and*] Forfeitures due unto Us fit Objects of our Mercy to pardon all such Offenders and to remit such Fines and Forfeitures Treason[*s*] and Wilfull Murder only excepted In which case[s] you shall likewise have power upon Extraordinary Occasions to Grant reprieves to the Offenders therein to the End and untill Our pleasure shall be further known And we do hereby Give and Grant unto You the said Thomas Gage by yourself or your Captains and Commanders by You to be Authorized full power and Authority to Levy arm Muster Command and employ all persons whatsoever residing within our said Province and Territory of the Massachusets Bay in New England and as occasion shall require to March them from one place to another or to Embark them for resisting [or] [*and*] withstanding of all Enemies Pirates and Rebels both at Land and Sea and such Forces with their Own Consent or with the Consent of Our Council and Assembly to Transport to any of Our Plantations in America as occasion shall require for the defence of the same against the Invasion or Attempts of any of Our Enemies and such Enemies Pirates and Rebels if Occasion shall require to pursue and prosecute in or out of the Limits of Our said Province or any part thereof and if it shall so please God them to Vanquish Apprehend and take and being taken either according to Law to put to Death or Keep and preserve alive at your Discretion Wee further Give and Grant unto you full power and Authority to Erect raise and build within Our Province and Territory aforesaid such and so many Forts Platforms Castles and Fortifications as you shall

judge Necessary And the same or any of them to Fortify and furnish with Ordnance Ammunition and all Sorts of Arms fit and necessary for the Security and defence of Our said Province and from time to time to committ the Government of the same to such person or persons as to you shall seem meet and the said Forts and Fortifications again to demolish or dismantle as may be most Convenient And to do and Execute all and every other thing or things which to a Captain General doth or ought of right to belong as fully and amply as any other Our Captain General doth or hath usually done According to the powers hereby Granted or to be Granted to you And Wee do hereby Give and Grant unto you the said Thomas Gage full Power and Authority to Constitute and appoint Captains Lieutenants Masters and other Commanders and Officers of Ships and to Grant unto such Captains Lieutenants Master and other Commanders and Officers of Ships Commissions to Execute the Law Martial according to the directions of an Act passed in the Twenty Second year of the Reign of Our late Royal Grandfather Intituled (An Act for Amending [and] explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majestys Ships Vessels and Forces by Sea) and to use such Proceedings Authorities Punishments [*and*] Corrections and Executions upon any Offender or Offenders who shall be Mutinous Seditious disorderly or any way unruly either at Sea or during the time of their abode or residence in any of the Ports Harbours or Bays of Our said Province [and] [*or*] Territories as the cause shall be found to require according to Martial Law and the said directions during the time of War as aforesaid Provided that nothing herein contained shall be construed to the Enabling you or any by your Authority to Hold Plea or have Jurisdiction of any Offence Cause matter or thing Committed or done upon the High Sea or within any the [Havens] [*harbours*] Rivers or Creeks of Our said Prov-

ince or Territory under your Government by any Captain Commander Lieutenant Master or other Officer Seaman Soldier or other person whatsoever who shall be in Actual Service and pay in or on board any of Our Ships of War or other Vessels Acting by Immediate Commission or Warrant from Our Commissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty but that such Captain Commander Lieutenant Master Officer Seaman Soldier or other person so offending shall be left to be proceeded against and tryed as the merit[s] of their Offence[s] shall require either by Commission under Our Great Seal of Great Britain as the Statute of the Twenty eighth of [Henry] [*Harry*] the Eighth directs or by Commission from Our said Commissioners for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being according to the aforementioned Act for amending Explaining and reducing into one Act of Parliament the Law[s] relating to the government of his Majestys Ships Vessels and Forces by Sea and not otherwise Provided also that all disorders and Misdemeanors Committed on Shore by any Captain Commander Lieutenant Master or other officer Seaman, Soldier or other person whatsoever belonging to any of Our Ships of War acting by immediate Commission or Warrant from our Commissioners for Executing the Office of Our High Admiral, or from Our High Admiral of Great Britain for the time being [under] the Seal of Our Admiralty may be Tryed and punished according to the Laws of the Place where any such Disorders Offences and Misdemeanors shall be committed on Shore Notwithstanding such Offender [*shall*] be in Our actual Service and borne in Our Pay on board any such Our Ships of War or other Vessels Acting by immediate Commission or Warrant from Our Commissioners for Executing the Office of Our High Admiral or from Our High Admiral

of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of Justice for such Offence[s] Committed on Shore from any pretence of his being employ'd in Our Service at Sea And further Our Will and Pleasure is that you shall not at any time hereafter by Colour of any power or Authority hereby Granted or mentioned to be Granted take upon you to Give Grant or Dispose of any Office or Place within Our said Province or Territory which now is or shall be Granted under the Great Seal of Great Britain any further than that you may upon the Vacancy of any such Office or Suspension of any Officer by you put in any person to Officiate in the Interval untill the said place be disposed of by Us Our Heirs or Successors under the Great Seal of Great Britain or that Our Directions be otherwise Given therein And Wee do hereby require and Command all Officers and Ministers Civil and Military and all other the Inhabitants of Our said Province and Territory to be obedient aiding and Assisting unto You the said Thomas Gage in the Execution of this Our Commission and of the Powers and Authorities therein contained and in Case of your Death or Absence out of Our said Province and Territory to be obedient aiding and Assisting unto such person as shall be Appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territory to whom Wee do therefore by these presents Give and Grant all and Singular the powers and Authorities herein Granted to be by him Executed and enjoyed during Our Pleasure or Until your Arrival within Our said Province and if upon your death or absence out of our said Province there be no person upon the place Commissionated or Appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province and Territory Our Will and Pleasure is that Our Council of Our said Province for the time being do take upon them the Administration of the Government and Execute Our said Commission and

Instructions and the several Powers and Authorities therein Contained in the same manner and to all intents and purposes as Our Governor or Commander in Chief of Our said Province and Territory should or Ought to do in Case of your Absence until your Return or in all [*other*] cases until Our further pleasure be known therein and that in such Case the Eldest Councillor present at each meeting of the said Council shall always preside therein And Our Pleasure is that you the said Thomas Gage shall and may hold Execute and enjoy the Office and place of Our Captain General and Governor in Chief in and Over Our said Province and Territory of the Massachusets Bay in New England with all and Singular the powers and authorities hereby Granted to you for and during Our Will and Pleasure And Whereas there are divers Colonies Adjoining to Our Province of the Massachusets Bay for the Defence and Security whereof it is requisite that due Care be taken in the time of War Wee have therefore thought it further Necessary for Our Service and for the better protection and Security of Our Subjects Inhabiting those parts to Constitute and Appoint and wee do by these presents Constitute and appoint You the said Thomas Gage to be Our Captain General and Commander in Chief of the Militia and of all the Forces by Sea and Land within our Colonies of Rhode Island and Providence Plantation the Narraganset Country or King's Province and of all Our Forts and places of strength within the same in time of War or Emminent Danger and for the better ordering Governing and ruling Our said Militia and all Our Forces Forts and places of Strength within [Our] [*the*] said Colonies of Rhode Island and Providence Plantation[*s*] and the Narraganset Country or Kings Province We do hereby Give and Grant unto you the said Thomas Gage and in your absence to our Lieutenant Governor or Commander in Chief of Our said Province of [the] Massachusets Bay all and every the like powers as in these presents are before Granted and

Recited for the Ruling Governing and Ordering our Militia and all our [*Forces*] Forts and places of Strength within Our Province of the Massachusets Bay to be Exercised by you the said Thomas Gage And in Your Absence from Our Territory and Dominion of New England by Our said Lieutenant Governor or Commander in Chief of Our said Province of the Massachusets Bay for the time being within Our said Colonies of Rhode Island and Providence Plantation and the Narraganset Country or Kings Province during the time of War or imminent Danger aforesaid In Witness [&c] [*whereof We have caused these Our Letters to be made Patent*] Witness Ourself at Westminster the seventh day of April [*In the fourteenth year of Our Reign*]

By Writ of Privy Seal

[*YORKE*]

[(*Great Seal of England appending*)]

——*Public Record Office, Patent Roll, 14 George III, Part 3, No. 15.* Compared with the record of Royal Commissions (*Crown Commissions, 1677–1774, pp. 137–142*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante*.

COMMISSIONS

OF THE

GOVERNORS

AS

VICE-ADMIRAL

1666–1774

LORD WILLOUGHBY'S COMMISSION

AS

VICE-ADMIRAL OF BARBADOS, ETC.

26 JANUARY, 1666–7

THE DUKE OF YORK'S COMMISSION CONSTITUTING Y^E LORD W^M WILLOUGHBY VICE-ADM^LL OF Y^E BARBADOES & Y^E REST OF Y^E CARIBBEE ISLANDS IN AMERICA[1]

Coppy: 26to Januarii 18to Caroli 2^di.

Jacobus Dux Eboracensis, et Albaniensis Comes Ultoniæ, Constabularius Castri Doveriæ Dominus Guardianus Quinq*ue* Portuum, Gubernator Oppidi Portsmouth, præclari Ordinis Garterii Miles, Dominus magnus Admirallus Anglie et Hibernie et Walliæ ac Domini*or*um et Insularum earund*em*, Villæ Calesiæ vel Merchia*rum* eiusdem Normandiæ, Gasconiæ et Aquitaniæ, Classisq*ue* et Marium dictor*um* Regnor*um* Angliæ et Hiberniæ Prefectus Generallis Nec non Dominus Magnus Admirallus Domin*i*orum Novæ Angliæ, Jamaicæ, Virginiæ, Barbadöe, S*an*cti Christopheri, Antegöe in America, Giuinniæ, Binniæ, et Angol*æ* in Africa, Tangiæ vel Tangeris, Regni Fessani, Provincie in Africa predict*a* ac Insular*um* et Dominior*um* ear*un*dem, ac de omnibus et singulis aliis Dominiis quibuscunq*ue* in partibus Transmarinis, ad Serenissim*um* D*omi*num Fratremq*ue* n*ost*rum Carolum Secund*um* Dei Gratia magnæ Brittaniæ, Franciæ et Hiberniæ Regem, &c^a p*er*tinent*ibus* Et P*re*fectus Generalis Classium et Marium dictor*um* locor*um* Dilecto nobis **Gulielmo Baron Willoughby de Parham** Insulæ Barbadöe et ceterar*um* Insular*um* Caribbee &c^a. Præfecto General*i* et Summo Gubernator*i* Salutem.

[1] In our texts of Latin documents, abbreviations are expanded in italics, and letters omitted without marks of abbreviation are placed within square brackets.

Ad Cognoscend*um* et procedend*um* in quibuscunq*ue* causis civilibus et Maritimis, atq*ue* Querelis, Contract*ibus* delictis seu quasi delictis Criminibus placitis, debitis, excambiis comput*is* L*itte*ris partitis, Convenc*i*onibus, Litibus, Transgressionibus, Injuriis, Extortionibus, demandis vel Negotiis civilibus et maritimis motis, seu movend*is* quibuscunq*ue* inter Mercatores aut inter D*omi*nos et Proprietarios Navium et ceteror*um* vasorum et Mercatores, seu alios quoscunq*ue*, cum eisdem D*omi*nis et Proprietariis Navium, et ceterorum Vasorum quorumcunq*ue* infra Jurisdicc*ion*em Sere*nissimi* D*omi*ni no*st*ri Regis, suæ Admir*alita*tis Barbadoe et ceterar*um* Insular*um* Caribbee: Ac de omnibus et singulis aliis Insulis Coloniis et Plantac*i*onibus ad Sere*n*iss*imu*m Dominu*m* no*st*rum Regem pertinent*ibus*. Inter Decem et Viginti gradus Borealis Latitudinis iacentibus et ab Insula S*anc*ti Johannis de Portivico[1] v*er*sus Orientem usque ad Trecentas Viginti Septem gradus extensis, vel partiu*m* quarumcunq*ue* Insularum et Locor*um* eisdem adjacent*ium* occupat*orum* vel usitat*orum*, seu inter quascunq*ue* alias personas, habitis, fact*is*, init*is* sive Contract*is* pro aliqua re materiâ, causa vel negotio, seu Injuriâ quacunq*ue* tam in, super vel per Mare aut Flumina publ*i*ca, Aquas dulces, Portûs, Rivos seu Crecas et loca superinundat*a* quæcunq*ue* infra Fluxum, et Refluxum Maris, et aquæ, ad Plenitudinem, vel super Littora, seu Ripas quascunq*ue* ei[s]dem vel eorum alicui adjacent*es*, a quibuscunq*ue* primis Pontibus v*er*sus Mare vel[2] Insulam Barbadoe et ceteros locos p*re*dict*os*, seu Dominia eorund*em*, vel alibi ultra mare vel partibus ultramarinis quibuscunq*ue* expeditis vel expediend*is*, Una cum omnibus, et singulis suis Incident*ibus* Emergent*ibus* Dependent*ibus* Annexis et Connexis, Causis et Negotiis quibuscunq*ue*, seu qual*it*ercunq*ue* ejusmodi, Causas et Querelas, Contractûs et alia p*re*missa supradict*a* vel eorum aliquod, Oriri, Celebrari, Contrahi vel fieri Contingat juxta Leges civiles et Maritimas ac Consuetudines receptas in

[1] *Sic:* Portorico. [2] *Sic:* per.

Curia Principali prefati Domini nostri Regis sue Admiralitatis Barbadöe et ceterorum locorum predictorum et partibus Maritimis eorum et earum[1] cuilibet adjacentibus quibuscunque Audiendum et Terminandum.

Ac Insuper in omnibus et singulis Querelis Contractibus, Convencionibus et Causis ac Negotiis Civilibus et Maritimis ultra mare proficiendis vel contractis aut in prefata Insula Barbadöe, et locis predictis vel partibus Insularibus ejusdem adjacentibus perimplendis, qualitercunque emergendis seu contingentibus.

Ac etiam in ceteris Causis et Materiis omnibus, et singulis quæ Jurisdictionem Maritimam prefati Domini nostri Regis sue Admiralitatis predicte, in prefata Insula Barbadoe et ceteris locis predictis, et partibus Insularibus iisdem adjacentibus quibuscunque quovismodo tangunt, seu aliquo modo concernunt, vel de Jure pertinêre debuerunt, vel debent.

Et generaliter in omnibus et singulis aliis Causis Litibus Criminibus, Delictis, Excessibus Querêlis, Injuriis, Maleficiis, seu quasi Maleficiis, Regratariis, Foristallariis, et negotiis Maritimis quibuscunque per loca predicta infra Jurisdictionem Maritimam, prefati Domini nostri Regis suæ Admiralitatis Barbadöe, et aliorum locorum predictorum per mare vel aquam, aut Ripas, seu Littora eorundem qualitercunque factis Commissis perpetratis aut emergentibus.

Nec non ad Inquirendum per Sacramentum proborum et Legalium hominum de dicta Insula Barbadöe, et aliis locis predictis, et partibus transmarinis et Insularibus eorundem, et earum[1] cuilibet adjacentibus tam infra Libertates et Franchesias quam extra ubilibet Commorantium tam de omnibus et singulis de jure Statutis, Ordinacionibus et Constitucionibus Curiæ predictæ Admiralitatis Principalis Inquiri deberent quam de Wrecco Maris, ac de omnibus et singulis bonis et Catallis quorumcunque Proditorum, Pyratarum, Homicidarum et Felonum qualitercunque infra Jurisdictionem Maritimam predicti Domini nostri Regis suæ Admiralitatis predictæ Delinquentium.

[1] *Sic:* eorum.

Ac de bonis Debit*is* et catall*is* o*mn*ium et singulor*um* eor*um* Manutenent*ium*, Accessarior*um* Consulent*ium* Auxiliant*ium* sive Assistent*ium*, quor*um*cunq*ue*.

Atque etiam de bonis Debit*is* et Catallis quarumcunq*ue* aliar*um* p*er*sonar*um* Felon*um* de se, et Cujusl*ib*et p*er*sonæ Felonis de se infra Jurisdict*ion*em Maritimam p*re*dict*am*, quovismodo seu qual*it*ercunq*ue* ad mortem devenient*ium* ubicunq*ue* bona Debit*a* et Catall*a* hujusmod*i* vel aliqua p*ar*cella eorund*em* p*er* Mare, Aquam vel Terram in dict*a* Insula Barbadöe et aliis locis p*re*dict*is* et partibus Maritimis eorund*em* et ear*um*[1] cuil*ib*et adjacent*ibus* quibuscunq*ue* tam infra Lib*er*tates et Franchesias quam extra fuerint Invent*a* seu Invenienda Forisfact*a* vel Forisfacienda vel existen*tia* quecunq*ue*.

Et etiam de Bonis, Debitis et Catall*is* quar*um*cunq*ue* aliar*um* personar*um* Felon*um* de se, et Cujusl*ib*et alterius Felonis de se infra Jurisdict*ion*em maritimam p*re*dict*am* repertis seu reperiend*is* aut Contingen*tibus* quibuscunq*ue*.

Et præterea tam de Bonis, Debit*is* et Catall*is* quor*um*cunq*ue* alior*um* Proditor*um*, Felon*um* et Homicid*arum* ubicunq*ue* locor*um* delinquen*tium* infra Jurisdict*ion*em p*re*dict*am*.

Ac de bonis, debit*is* et Catall*is* Manutenent*ium*, Accessarior*um* Consulen*tium* Auxilian*tium* sive existen*tium*[2] Et de bonis, debit*is* et Catall*is* Quorumcunq*ue* Fugitivor*um* Attinctor*um*, Damnator*um* Utlegator*um* vel in exigend*am* p*ro* p*ro*dici*one* Felon*ia* Homicidio vel Murdro, seu aliquo alio offenso quocunq*ue*, aut Delicto qual*it*ercunq*ue* posit*orum* sive ponend*orum*.

Ac etiam de bonis Waviatis Flotson, Jetson, Lagon, Shares, Thesauro invent*o* seu inveniend*o* Deodand*is* Ac de bonis Quorumcunq*ue* alior*um* pro Derelict*is* habit*is*, seu habend*is*, seu casu fortuito report*is*[3] seu reperiend*is*, vel qu[a]l*it*ercunq*ue* debit*is* seu debend*is* Ac de o*mn*ibus aliis Casualibus, tam in super, vel per mare, littoraq*ue*, Crecas, aut Costeras maris vel partes maritimas, quam in, super, vel per Aquas dulces, Portûs, Flumina publica, Rivos seu Crecas

[1] *Sic:* eor*um*. [2] *Sic:* assisten*tium*. [3] *Sic:* reper*tis*.

quascunq*ue*, aut loca superinundat*a* infra Fluxum et Refluxu*m* Maris seu Aquæ ad plenitudinem, aut super Littora, vel Ripas alicujus eorund*em*, a primis quibuscunq*ue* pontibus v*er*sus Mare qual*it*ercunq*ue* quandocunq*ue* vel quomodocunq*ue* emergen*tibus* contingen*tibus* sive perveniend*is* quib*us*cunq*ue* vel ubicunq*ue* bona, debita, aut cetera p*re*missa seu aliqua p*ar*cell*a* eor*un*d*em* infra Jurisdict*ion*em maritim*am* Insulæ Barbadöe et alior*um* locor*um* predictor*um* vel p*ar*tiu*m* Insul*arium* p*re*dictar*um* eisd*em* adjacent*ium* rep*er*iantur aut reperiri Contigerint.

Ac Insuper de Anchoragiis et Lastagiis, seu arenos*a* Navium Onerac*ion*e, et de Piscibus Regalib*us* videlicet Sturionib*us*, Balenis, Cetis, Porpesiis, Delphinis, Riggis et Graspetiis, et gen*eral*it*er* de singulis piscibus quibuscunq*ue*, magnam sive ingentem Crassitudinem, sive pinguedinem in se haben*tibus* de jure vel Consuetudine supr*a*dict*o* Domino n*os*tro Regi in d*i*cto officio sue Admir*al*it*a*tis Barbadöe p*re*dict*e* et al*i*or*um* locor*um* p*re*dict*orum* pertinent*ibus* seu aliquo modo spectan*tibus* eadem Wreccam Maris ac bona, debit*a* et Catall*a* et cetera p*re*missa *omn*ia et singula, una cum *omn*ibus et omnimodis Finibus, Mulctis, Exitibus, Forisfacturis, Amerciamentis Redemp*cion*ibus ac Recognic*ion*ibus quibuscunq*ue* Forisfactur*is*[1] seu Forisfaciend*is*, et poenas[2] Pecuniar*iis* pro Transgressionibus, Delictis, Injuriis, Extortion*ib*us Contemptib*us* et aliis Maleficiis quibuscunq*ue* vel pro aliqua alia re, materia seu Causa, quacunq*ue* imposit*is*, vel inflict*is*, imponend*is* vel infligend*is* qual*it*ercunq*ue* in dict*a* Insula Barbadöe, aut aliis Insulis Coloniis et Plantac*ion*ibus p*re*dict*is*; seu partibus maritimis ear*un*dem et ear*um* cuil*ib*et adjacen*tibus* quibuscunq*ue* in Curia Admir*al*it*at*is Barbadöe et alior*um* locor*um* p*re*dict*orum* tent*a* seu tenend*a* p*re*sentat*is* seu p*re*sentand*is* assidendis afferend*is* forisfaciend*is* seu adjudicand*is*: Ac etiam una cum Amerciament*is* Exitib*us*, Finibus p*er*quisitis, Mulctis et poenis pecuniar*iis*

[1] *Sic:* Forisfact*is*. [2] *Sic:* Poenis.

quibuscunq*ue* ac forisfactur*is* quarumcunq*ue*, Recognic*ion*um coram vobis vestrove Deputat*o* vel Deputat*is* aut aliis Justitiariis p*re*fat*i* D*omi*ni no*st*ri Regis seu Hered*um* et Successor*um* suor*um* Admir*alit*at*is* suæ Barbadöe p*re*dict*æ* et alior*um* locor*um* p*re*dict*orum* vel tribus eorund*em*.

Ac[1] omnia et singula Prodic*ion*es, Roberias, Felonias, Murdra, Homicidia, Confedera*cion*es, ac alia Offensa, Transgressiones, Contemptus Misprisiones Spolia*cion*es et Maleficia infra Jurisdic*cion*em maritimam p*re*dict*am* co*m*missis,[2] sive co*m*mittend*a* per L*itte*ras ejusd*em* D*omi*ni Regis Com*mic*ionales Patentes Hæred*um* vel Successor*um* suor*um* juxta Statut*a* inde edit*a* et Provis*a* et Consuetudines receptas in Curia principali dicti D*omi*ni Regis suæ Admir*alit*atis p*re*dict*e* sub magno Sigillo Angliæ fact*as* et faciend*as* in dict*a* Insula Barbadöe et aliis locis p*re*dict*is* et partibus maritimis eor*un*d*em*, vel ear*um*[3] cuil*ib*et adjacent*ibus* quibuscunq*ue*. Audiend*um* et Terminand*um* assignat*is* seu assignand*is* contingent*ibus* imposit*is* aut imponend*is* vel infligend*is* seu aliquo alio modo, occas*i*one p*re*missor*um* p*re*dict*o* D*omi*no no*st*ro Regi vel Hæred*ibus* seu Sucessor*ibus* suis in ea parte qual*it*er*cunq*ue debitis sive debend*is* quibuscunque, petend*um* exigend*um* levand*um* capiend*um* colligend*um* excipiend*um* et obtinend*um*.

Ac ad usum p*re*fat*i* D*omi*ni Regis et officii Magni Admiralli sui p*re*dict*i* pro tempore existent*is* Custodiend*um* et servand*um*.

Ac insuper Recognitiones, Cautiones, Obliga*cion*es, et Stipula*cion*es quascunq*ue* tam ad usum p*re*fat*i* D*omi*ni no*st*ri Regis qu*a*m no*st*rum, vel ad quarumcunq*ue* partium instantiam pro Convenc*ion*ibus, seu Debitis, ac aliis Causis quibuscunq*ue* capiend*um* easq*ue*. Execuc*ion*i ponend*um* et exequi faciend*um* et mandand*um*.

Nec non Naves, personas, res, bona, merces et Mercemonia quæcunq*ue* pro p*re*missis et eor*um* quolib*et*, ac aliis Causis quibuscunq*ue* ea concernen*tibus* ubicunq*ue* locor*um* in dicta Insula Barbadöe et aliis locis p*re*dict*is*, vel partibus maritimis

[1] *Sic:* ad. [2] *Sic:* commissa. [3] *Sic:* eor*um*.

eor*un*dem, vel eor*um* cuil*i*bet adjacen*tibus* quibuscunq*ue*, infra Lib*er*tates et Franchesias seu extra, fuerint inven*ta* seu reper*ta*.

Atque etiam pro aliis Convenc[i]o[n]ibus, Causis seu Delict*is* quibuscunq*ue* qual*it*ercunq*ue* contract*is* sive emergen*tibus* Dum*m*odo Bona et persone Debitor*um* reperiantur infra Jurisdicc*io*nem p*re*dict*am* juxta leges civiles et Maritimas ac Consuetudines in Curia Admir*alita*tis D*omi*ni no*st*ri Regis receptas et usitat*as* real*i*ter Arrestand*um* vel Arrestari faciend*um* et mandand*um*, Ipsasq*ue* cum suis Emergen*tibus* Dependend*is*[1] Incident*ibus* Annexis et Connexis, Causis et Negotiis, quibuscunq*ue*, una cum cæter*is* causis civilibus et maritimis, atque Querelis contractis, et aliis p*re*missis o*mni*bus et singulis quibuscunq*ue* superius respective express*is* juxta leges et Consuetudines p*re*dict*as* ac aliis viis, modis et mediis legitimis, quibus melius sciveris aut poteris Audiend*um* Examinand*um* Discutiend*um* et Fine debit*o* Terminand*um*.

Ac personas quascunq*ue* in ea parte prout Casus exiget respondere cum cujusl*i*bet Coerc*io*nis Temporal*is* alteriusq*ue* poenæ et Mulctæ, Potestates[2] juxta leges, et Consuetudines p*re*dict*as* Compelland*um* ad Justitiam faciend*am* et Administrand*am*. Et etiam non servato Juris Ordine, seu velo levato sine strepitu ac Figura Judicii sola fact*i*, et rei veritat*e* inspect*a* procedend*um* Reosq*ue*, ac Contemptor*es*, ac Juris seu Jurisdiccio*nis* p*re*fat*i* D*omi*ni Regis sue Admir*alita*tis Barbadöe et alior*um* locor*um* p*re*dict*orum* Violator*es* Usurpator*es* Delinquentes et Contumaciter absentes, Naucleros Marinarios, Remiges Piscator*es* Naupegos, et alios Operarios, et expertos quoscunq*ue* res Nauticas exercentes quascunq*ue* tam iuxta et secundum dict*as* Leges civiles, et maritimas, et Consuetudines et Ordinac*io*nes p*re*dict*as* et eor*um* Demerita quam juxta leges et secund*um* Statut*a* et Ordinac*io*nes supradict*i* D*omi*ni no*st*ri Regis et Regn*i* sui Angliæ p*re*dict*æ* in ea parte edit*a* et p*ro*visa. Ac Potestate nobis in hac parte concess*a* Mulctand*um* Corrigend*um* Puniend*um* Castigand*um* et Reformand*um*

[1] *Sic:* dependent*ibus*. [2] *Sic:* Potestate.

ac in quibuscunque Carceribus infra Insulam Barbadöe, et alia loca p*re*dict*a* et loca maritima eor*un*dem vel ear*um*[1] cuil*i*bet adjacent*ia* ac existent*ia* Incarcerand*um* et Incarcerari faciend*um* et mandand*um* Incarceratosq*ue* quoscunq*ue* in ea parte qui deliberand*i* fuerint, deliberand*um*, et penitus exonerand*um* et exonerari faciend*um* et mandand*um*.

Fluminaq*ue* publica, Portus, Rivosq*ue* et Aquas dulces et Crecas quæcunq*ue* infra Jurisdicc*ion*em maritimam p*re*dict*am* ubicunq*ue* locor*um* in predict*a* Insula Barbadöe, et aliis locis p*re*dict*is*, et partibus Maritimis eor*un*dem et eor*um* cuil*i*bet adjacent*ibus* quibuscunq*ue* existent*ia* pro Conservac*ion*e tam Classis Regiæ Majestat*is*, et Classi*um* et Navigior*um* Regnor*um* et D*omi*nior*um*, suor*um*, quam Pisci*um* in iisdem Fluminibus et locis p*re*dict*is* crescent*ium* quorumcunq*ue*.

Nec non Ordinac*ion*es, et Statut*a* p*re*fat*i* D*omi*ni n*ost*ri Regis, et Regni sui Angliæ p*ræ*dict*æ* quecunq*ue* in ea parte edit*a* et provis*a* juxta, et secundum potestatem nobis in ea parte fact*am* in dicta Insula Barbadöe et aliis Insulis, Coloniis et Plantationibus p*re*dict*is*, et partibus maritimis et Insularibus eor*un*dem[2] et ear*um* cuil*i*b*e*t adjacent*ibus* quibuscunq*ue* conservand*um* et exequi, et conservari faciend*um* et mandand*um* O*mn*iaq*ue* et singula alia faciend*um* exercend*um* expediend*um* et exequend*um* in p*re*missis, et eor*um* quol*i*b*e*t, pröut de jure, vel secundum Leges, Statut*a* et Ordinac*ion*es p*re*dict*us* fuerint faciend*a*.

Ac insuper Retia nimis stricta, et alia Ingenia, sive Instrument*a* quecunq*ue* illicita circa prensione[m] piscium ubicunq*ue* locor*um* per Mare, aut Flumina publica, Portûs, Rivos, Aquas dulces, seu Crecas per p*re*dict*am* Insulam Barbadöe et alios locos p*re*dict*os*, et partes maritimas, eorund*em*, vel eisdem[3] cuilib*e*t adjacent*es* quascunq*ue* infra Jurisdicc*ion*em p*re*dict*am* ubicunq*ue* locor*um* per aquam occupat*a* seu exerci*ta*, ac exercitator*es* sive occupator*es* ear*um*[1] juxta dict*a* Statut*a* et Ordinac*ion*es p*re*fat*i* D*omi*ni n*ost*ri Regis et Regn*i* sui Anglie p*re*dict*e* in Contrar*ium* edit*a* et provis*a* puniend*um* corrigen-

[1] *Sic:* eor*um*. [2] *Sic:* ear*un*dem. [3] *Sic:* eor*um*.

d*um* et reformand*um* Sententiasq*ue* et Decreta quecunq*ue* Fulminand*um* Promulgand*um* et Interponend*um* eosq*ue*[1] Execuc*ion*i Demandand*um* cum Cognic*ion*e et Jurisdicc*ion*e quarumcunq*ue* aliar*um* Causarum civilium et Maritimarum, que sunt maris, vel maris pertransitum, sive passagiu*m*, aut Iter Navale, sive Viagiu*m* Mar*itim*u*m* vel Jurisdicc*ion*em Mari*tim*a*m* supradict*am*, seu loca, vel limites Admir*alita*tis p*re*fat*æ* D*omi*ni n*ost*ri Regis antedict*i* ad[2] Cognic*ion*em p*re*dict*am* ac alia quecunq*ue* expedit*a* vel expedienda quovismodo concernunt seu respiciunt Etiam cum potestate, ad procedend*um* in eisdem iuxta leges civiles, et Maritimas, et Consuetudines in Curia p*re*dict*a* recept*as*, et usitat*as*, tam ex officio mero, mixto et promoto qu*am* ad alicujus partis Instantiam prout Casus exigit,[3] et expediens visum fuerit.

Etiam cum Cognic*ion*e et Decisione de Wrecco Maris magn*o* seu parvo, ac de Morte, Submersione, et Visu Corpor*um* mortuor*um* quarumcunq*ue* personar*um* in Mare, vel Fluminibus publicis, Portubus, Aquis dulcibus, seu Crecis quibuscunq*ue* infra Fluxum et Refluxum Maris et Aquæ ad plenitudinem [per] predict*am* Insul*am* Barbadöe, et alios locos p*re*dict*os* et partes maritimas earund*em* et ear*um*[4] alicui adjacen*tes* quascunq*ue*, vel alibi infra Jurisdicc*ion*em p*re*dict*am* qual*it*ercunq*ue* interfectar*um* sive submers*arum* aut Interficiendar*um*, seu submergendar*um*, sive Murderatar*um* vel Murderandar*um*, aut aliquo alio modo ad mortem devenient*ium* Nec non unacum Custodia, et Conservac*ion*e Statutor*um* hujus Regni Anglie de Wrecco maris, et de officio Coronator*is* annis Tercio et Quarto Edwardi primi Atque Statut*i* de bonis spoliatis super Mare &c[a] Anno Vicessimo Septimo Edwardi 3[ti] Quondam Regum Anglie, respective edit*orum* et p*ro*visa.[5]

Ac unacum Cognic*ion*e de Mahemio in locis p*re*dict*is* infra Jurisdicc*ion*em, ac Fluxum et Refluxum Maris et Aquæ ibid*em* contingen*te* Cum Potestate etiam Puniend*i* Delin-

[1] *Sic:* eaq*ue*. [2] *Sic:* et. [3] *Sic:* exiget.
[4] *Sic:* eorund*em* et eor*um*. [5] *Sic:* provisorum.

quentes in ea parte quoscunq*ue* juxta Juris exigentiam, et Consuetudinem Curiæ Principal*is* Admir*alitat*is p*redict*e, cæteraq*ue* om*n*ia et singula quæ in Premissis tantum et circa ea necessaria fuerint, seu quomodol*ibet* opportuna, juxta et secundum leges civiles et maritimas, ac Statut*a* et Ordinac*ion*es p*redict*as, atque Stylum morem et Consuetudinem Curiæ Principal*is* p*redict*i D*omi*ni n*ost*ri Reg*is* suæ Admir*alitat*is Barbadöe, et alior*um* locor*um* p*redict*or*um*, et secundum Tenorem L*itte*rarum Patent*ium* p*refat*i D*omi*ni n*ost*ri Regis nobis inde concessar*um*; Quatenus Vice Admiralli officium concernunt et non aliter (Quar*um* quidem L*itte*rar*um* Patent*ium* Copia p*re*sentibus est Annexa) faciend*um* exercend*um* et exequend*um* Tibi de Cujus Fidelitate et Circumspect*ion*e Industria plurimum in hac parte confidimus, Vices et Authoritates n*ost*ras in dict*a* Insul*a* Barbadöe et in aliis Insulis Coloniis et Plant*acion*ibus p*redict*is et partibus Maritimis et Insularibus eorund*em* et eor*um*[1] cuil*ibet* adjacent*ibus* quibuscunq*ue*.

Atque etiam per o*mn*ia et singula Littora Maris, Flumina publica, Portûs, Rivos, Aquas dulces, Crecas et brachia tam Maris quam Fluminu*m*, et Costeras quascunq*ue* ejusdem Insulæ Barbadöe et alior*um* locor*um* p*redict*or*um* et partiu*m* Maritimarum et Insular*ium* ear*und*em et ear*um*[2] cuil*ibet* adjacent*ium* quarumcunq*ue* infra Libertates et Franchesias ac extra Com*m*ittimus p*er* p*re*sentes ac Concedimus cum Potestate aliu*m* vel alios Deputatum sive Deputatos quoties tibi expediens visum fuerit loco tuo in p*re*missis Deputand*i* et Surrogand*i*.

Ac etiam cum potestate quoscunq*ue* Officiar*ios* et Ministros pro dict*o* Officio et Exercitio ejusdem in d*ic*ta Insula Barbadöe et in aliis locis p*redict*is, et partibus maritimis et Insular*ibus* eor*un*dem et eor*um* cuil*ibet* adjacent*ibus* quibuscunq*ue* sub Te necessarios, idon*eos* et opportunos (Judice Registrario et Mareschallo semper exceptis) de tempore in tempus nominand*i* p*re*ficiend*i* ordinand*i* assignand*i* et constituend*i*. Salvo semper Jure n*ost*ro Supremæ Admiral*itatis* dict*e* Insul*e* Bar-

[1] *Sic:* earund*em* et ear*um*. [2] *Sic:* eor*und*em et eor*um*.

badöe, et aliar*um* Insul*arum* Coloniar*um* et Plantation*um* p*redict*arum cui in aliquo Derogar*e* Nolumus p*er* p*res*entes, Et salvo Jure Cujuscunq*ue* Ledend*i* et Gravand*i* p*er* aliquam Sententiam Definitivam sive Decret*um* interlocutor*ium* in Curia Admir*alita*tis p*redicte*. Ad nos vel no*strum* Locum Tenentem Com*m*issari*um* General*em* vel specialem per Nos constitut*um* vel constituend*um* Appellandi. Teque p*re*fatum Gulielmum Baronem Willoughby, Vice Admirallum Com*m*issari*um* et Deputat*um* no*strum* in officio Vice Admiral*ita*tis in, ac per totam Insulam Barbadöe et alias Insulas, Colonias et Planta*cio*nes p*redict*as, ac partes Maritimas et Insular*es* ear*un*dem, et ear*um* cuil*i*bet adjacent*es* quascunq*ue*.

Necnon una cum o*mn*ibus et singulis Feodis, p*ro*ficuis, Advantagiis, Emolumentis, Com*m*oditatib*us* et p*er*tinentib*us* quibuscunq*ue* eidem officio Vice Admiralli, Commissarii, vel Deputati in dict*a* Insul*a* Barbadöe et aliis locis p*redict*is, et partibus maritimis et Insular*ibus* eor*un*dem et eor*um* cuil*i*bet adjacent*ibus* quibuscunq*ue*, juxta Ordinac*io*nes et Statut*a* dict*æ* Curiæ Principal*is* D*omi*ni no*st*ri Regis suæ Admir*alita*tis Angliæ debit*is*, et spectant*ibus* Ordinamus p*re*ficimus et Deputamus p*er* p*rese*ntes ad no*strum* tantum*m*odo bene Placitum durature*as*.

Proviso tamen semper, et sub hac Lege et Condic*ione* Quod si tu p*re*fat*us* Gulielmus Baro Willoughby Nos seu Locum Tenentem no*strum* et Com*m*issari*um* no*strum* General*em* vel special*em* per Nos Constitut*um* vel Constituend*um* de omni eo quod de tempore in tempus Vigore p*rese*nti*um* Feceris, executus fueris Colligeris aut receperis in p*re*missis vel p*re*missor*um* aliquo Annuatim videlicet in Fine cujuslib*et* Anni inter Festa S*anc*ti Michael*is* Archangeli et Omni*um* Sanctor*um* aut eo circiter et quanto citius p*er* loci distantiam, et Maris et Ventorum Incertitudinem co*m*mode fieri poterit, Cum ploeno tuo super inde Computo sub Authentica Forma faciendo et Sigillo Officii p*redict*i in Custodia tua remanente Sigillando debitè non Certifica*ve*ris et Certiorem reddi Feceris cum effectu, Extunc et post Defaltam in ea parte hu*jus*mo*di* L*itte*re

nostre Patentes de officio Vice Admiralitatis tibi ut prefertur concessæ vacuæ et irritæ erunt, nulliusque roboris, aut effectûs.

Mandantes Insuper ex parte Serenissimi Domini Regis et ejus Authoritate per Celsitudinem suam nobis in premissis circa debitam Execucionem eorundem Concessa: — Omnibus et Singulis Proceribus, Justitiariis, Majoribus, Vice-Comitibus, Capetaneis, Senescallis, Ballivis et Custodibus Gaolarum et Carcerum ipsius Domini Regis quorumcunque vel Constabulariis ceterisque Ministris et Fidelibus Subditis et Legeis suis quibuscunque et eorum cuilibet tam infra Libertates et Franchesias quam extra Quod Tibi Deputato Tuo cuicunque aliisque officiariis ejusdem Domini nostri Regis sue Admiralitatis, in dicta Insula Barbadöe, et aliis locis predictis, et partibus Maritimis et Insularibus, earundem et earum[1] Cuilibet Adjacentibus quibuscunque per te assignatis sive assignandis circa execucionem premissorum et eorum Cujuslibet Intendentes, Faventes, Auxiliantes, parentes et pariter obedientes sint in omnibus prout decet, sub poenâ Contemptûs Litterarum Patentium Ipsius Domini Regis, et Regie sue Majestatis, ac premissorum omnium et singulorum Nobis per easdem Litteras Patentes factorum et concessorum ac periculo Incumbente. Dabantur apud Whitehall sub Sigillo nostro Admiralitatis, Anchoram Representante quo in hac parte utimur, Vicessimo sexto die Januarii Anno Domini Millessimo Sexcentessimo Sexagesimo Sexto Annoque Regni Serenissimi Domini nostri Caroli Secundi Dei Gratia Magnæ Britanniæ, Franciæ et Hibernia Regis Fidei Defensoris &c^a Decimo Octavo.[2]

By Command of his Royall Highnesse. JAMES

WILLIAM COVENTRY

Ex^d.

—— *Public Record Office, Colonial Office, Class 29, No. 1, pp. 88–98.*

[1] *Sic:* eorundem et eorum.

[2] A translation of this Commission will be found in the Appendix, pp. 357–368, *post.*

JOSEPH DUDLEY'S COMMISSION

AS

VICE-ADMIRAL OF THE COLONY OF NEW ENGLAND

13 November, 1685

J. R.

Jacobus Secundus Dei Gratia Angliæ Scotiæ Franciæ et Hiberniæ Rex Fidei Defensor &c.

Cum officium D*omi*ni Magni Admiralli Novæ Angliæ aliorumq*ue* Locorum Maritimorum ante hac per Serenissim*um* Regem Carolum S*ecun*dum fratrem n*ostru*m præcharissim*um* p*er* L*itte*ras suas patentes Sub magno Sigillo Angliæ Nobis concessu*m* adhuc in persona n*ost*ra Regiâ ex diversis Causis nos in ea parte Sp*ecialiter* moven*tibus* Remanet, Dilecto Nobis **Josepho Dudley** A*rmige*ro Salutem, ad Cognoscend*um* et procedend*um* in quibuscunq*ue* Causis Civilibus et Maritimis atq*ue* Quærelis Contractibus, Delictis seu quasi Delictis Criminibus placitis Debitis Excambiis, Computis, l*itte*ris partitis, Conventionibus Litibus Transgressionibus Injuriis Extortionibus Demandis ac Negotiis Civilibus Maritimis Motis seu movend*is* quibuscunq*ue* inter Mercatores aut inter D*omi*nos et Proprietarios Navium et cæterorum vasor*um* et mercatores seu alios quoscunq*ue* cum eisdem D*omi*nis et Proprietariis Navium et cæteror*um* vasor*um* quorumcunq*ue* infra Jur*isdic*cionem Admiralitatis nostræ Coloniæ n*ost*ræ de Nova Anglia et partium Maritimar*um* eidem adjacentium id est a Novo Eboraco et Insula Longa in partes Australes et Australes

13 Novemb [16]85 Commission for Mr Joseph Dudley to be Vice Admll of the Colony of New England.

Occidentales usque ad quadrigenos[1] Gradus Latitudinis Borealis Occupator*um* vel usitator*um* seu inter quascunque alias personas, &c.

Vid. The rest of this Commission in the Old parchment Book of Barbados pag. 88 being totidem verbis with my[2] Willoughby's Commission of Vice Adm^{lty} there entred.[3]

—— *Public Record Office, Colonial Office, Class 5, Volume 904, pp. 266–267.*

[1] *Sic:* quadraginta.

[2] "Lord" omitted by mistake.

[3] See pp. 187–198, *ante.* A translation of this Commission will be found in the Appendix, p. 369, *post.*

SIR EDMUND ANDROS'S FIRST COMMISSION

AS

VICE-ADMIRAL OF NEW ENGLAND

1686

J. R.

Jacobus Secundus Dei Gratia Angliæ Scotiæ Franciæ et Hiberniæ Rex Fidei Defensor &c.

Cum officium D*omi*ni Magni Admiralli Novæ Angliæ, aliorumque Locorum Maritimor*um* ante hac per Serenissim*um* Regem Carolum S*ecund*um Fratrem n*ost*rum præcharissim*um* per L*itte*ras suas patentes sub magno Sigillo Angliæ nobis concessu*m* adhuc in persona n*ost*ra Regia ex diversis Causis nos in ea parte specialit*er* movent*ibus*, Remanet Dilecto nobis **Edmundo Andros** Mil*iti* Salutem, Ad Cognoscend*um* et Procedend*um* in quibuscunq*ue* Causis Civilibus & maritimis atq*ue* Querelis Contractibus, Delictis, seu quasi Delictis, Criminibus, Placitis Debitis, Excambiis, Computis, Literis partitis, Conventionibus, Litibus Transgressionibus, Injuriis, Extortionibus, Demandis ac Negotiis Civilibus et Maritimis motis seu movend*is* quibuscunq*ue* inter mercatores aut inter D*omi*nos et Proprietarios Navium et Cæterorum vasor*um* et mercatores, seu alios quoscunq*ue* cum iisdem D*omi*nis et Proprietariis Navium et cæterorum vasor*um* quorumcunq*ue* infra Jurisdictionem Admiralitatis n*ost*ræ Coloniæ n*ost*ræ de Nova Anglia et partium Maritimarum eidem adjacentium,

1686 Commission for Sr Edmund Andros to be Vice Admll of New England

id est a Limitibus Jurisdictionis Vice Admiralitatis n*ostr*æ de Novo Eboraco usq*ue* ad Limites de Nova Scotia & Canada occupator*um* vel usitator*um* seu inter quascunq*ue* alias Personas, &c.

Vid. The rest of this Commission in ye old Parchm^t^ Book of Barbados pag. 88 being totidem verbis with my Ld Willoughby's Commission of vice Adm^lty^ there Entred.[1]

—— *Public Record Office, Colonial Office, Class 5, Volume 904, pp. 316–317.*

[1] See pp. 187–198, *ante*.

SIR EDMUND ANDROS'S SECOND COMMISSION

AS

VICE-ADMIRAL OF NEW ENGLAND

30 April, 1688

Jacobus R

Jacobus Secundus Dei gratiâ Angliæ Scotiæ Franciæ et Hiberniæ Rex Fidei Defensor &c.

Cum officium D*omini* Magni Admiralli ante hac p*er* Serenissim*um* Regem Carolum Secundum Fratrem n*ost*rum præcharissimum per l*itte*ras suas patentes sub magno Sigillo Angliæ nobis Concessum adhuc in persona n*ost*ra Regia ex diversis Causis nos in ea parte Specialiter moventibus remanet, Dilecto Nobis **Edmundo Andros** mil*iti* Salutem. Ad cognoscend*um* et procedend*um* in quibuscunq*ue* Causis Civilibus et maritimis atq*ue* Querelis, Contractibus, Delictis seu quasi Delictis, Criminibus, Placitis, Debitis Excambiis, Computis, Literis partitis, Conventionibus, Litibus Transgressionibus Injuriis, Extortionibus, Demandis ac negotiis Civilibus et maritimis motis seu movend*is* quibuscunq*ue* inter mercatores, aut inter D*omi*nos et Proprietarios navium et cæteror*um* vasor*um* et mercatores, seu alios quoscunque, cum eisdem D*omi*nis et proprietariis Navium et cæteror*um* vasor*um* quo[rum]cunque infra Jurisdiction*em* Admirali[ta]tis n*ost*ræ Coloniar*um* nostrarum, Sinus de Massachusets et novæ Plymuthæ, Provinciarum Nostrarum de nova Hantonia et Main, Regionis n*ost*ræ de

30th Aprill 1688 Commission for Sr Edm Andros to be Vice Admirall of New England.

Narraganset sive Provinciæ n*ostr*æ Novi Eboraci et Cæsareæ Orientalis & occidentalis et totius Tractus Terræ Circuitus Continentis Præcinctuum et Limitum in America existen*tium* in Latitudine a quadrigenis[1] gradubus Latitudinis Borealis, a linea Æquinoctiali usq*ue* ad fluvium Sanctæ Crucis versus Orientalem et abinde directe versus Borealem usq*ue* ad Fluvium de Canada; et in Longitudine per totam Latitudinem pre*dictam* in et per Continentem a mari et oceano Atlantico sive Occidentali versus Orientalem usque ad mare australe versus Occidentalem una cum omnibus Insulis, Maribus, Fluviis, Aquis, Juribus, membris et Pertinentiis quibuscunque Eisdem Spectantibus (Provincia n*ostr*a de Pensilvania et Regione n*ostr*a de Delaware Solummodo Exceptis) Nominand*orum* et cognoscend*orum* prout antea nomine et Titulo Territorii et Dominii de nova Anglia in America, occupatorum vel usitator*um*, seu inter Quascunq*ue* alia[s] personas, habitis factis, initis sive contractis pro aliqua re, materia, causa vel Negotio seu injuria quacunque tam in super vel per Mare aut Flumina publica, seu Aquas Dulces, Portus, Rivos seu Crecas et loca superinundata quæcunque infra fluxum et refluxum Maris et Aquæ ad plenitudinem vel super Litora seu Ripas quascunque eisdem vel eor*um* alicui adjacen*tia* a quibuscunq*ue* primis Pontibus versus Mare p*er* Coloniam n*ostr*am Novæ Angliæ et partes pre*dictas* respective vel alibi ultra mare vel in partibus ultramarinis quibuscunq*ue* expeditis vel expediend*is* unacum omnibus et singulis suis incident*ibus* emergen*tibus* dependent*ibus* annexis et connexis causis quibuscunque ubicunque seu qualitercunque hujusmodi Causæ et Querelæ Contractus et alia præmissa supradicta vel eorum aliquod oriri, celebrari, contrahi vel fieri contingat, Juxta Leges Civiles et maritimas ac Consuetudines receptas in Curia principali Admiralitatis n*ostr*æ Coloniæ de Nova Anglia et partium predictar*um* et ear*um* cujuslibet audiend*um* et terminand*um* ac insuper &c. Dabantur in Palacio n*ostr*o de Alba Aula sub Sigillo N*ostr*o Admirali[ta]tis Anchoram rep-

[1] *Sic:* quadraginta.

resentante (quo in hac parte utimur) Tricesimo die Aprilis Anno Regni nostri Quarto Annoque Domini 1688.

J. R.[1] Ad Mandatum Serenissimi Domini Regis
S. PEPYS.

Vid. The rest of this Commission in the old parchm^t Book of Barbados pag. 88. being totidem verbis with my Ld Willoughby's Commission of Vice Adm^lty there Entred.[2]

—— *Public Record Office, Colonial Office, Class 5, Volume 904, pp. 405–406.*

[1] *Sic:* but the letters doubtless belong to the next entry.

[2] See pp. 187–198, *ante*. A translation of this Commission will be found in the Appendix, pp. 370–371, *post*.

SIR WILLIAM PHIPS'S COMMISSION

AS

VICE-ADMIRAL OF THE PROVINCE OF THE MASSACHUSETTS BAY

29 DECEMBER, 1691

LITERÆ PATENTES GULIELMO PHIPS MILITI PRO OFFICIO VICE-ADMIRALITATIS PROVINCIÆ ET TERRITORII DE MASSACHUSETS-BAY IN NOVÂ ANGLIÂ CONCESSÆ

Gulielmus & Maria Dei Gratiâ Angliæ Scotiæ Franciæ & Hiberniæ Rex et Regina fidei Defensores &c. Dilecto Nobis GULIELMO PHIPS Militi salutem.

Ad cognoscendum et procedendum in quibuscunq*ue* Causis civilibus et maritimis atq*ue* querelis contractibus, delictis seu quasi delictis criminibus placitis debitis, excambiis computis Chartis partitis conventionibus litibus transgressionibus, injuriis extortionibus et demandis ac Negotiis civilibus et maritimis motis seu movendis quibuscunque inter Mercatores aut inter Dominos et Propr*ietar*ios Navium & aliorum Vasorum et Mercatores seu alios quoscunq*ue* cum eisdem Dominis et Prop*rietar*iis navium et ceterorum vasorum quorumcunq*ue* infra Jurisdictionem maritimam Admiralitatis nostræ Provinciæ et Territorii nostrorum de Massachusets bay in novâ Angliâ occupatorum vel usitatorum seu inter quascunq*ue* alias personas qualitercunq*ue* habitis factis initis seu contractis pro aliqua re materiâ Causa vel Negotio seu injuriâ quacunque infra Juris*dictione*m nostram maritimam prædictam expeditis seu expediendis unacum omnibus et singulis

suis incidentibus emergentibus dependentibus annexis et connexis Causis quibuscunque ubicunque seu qualitercunq*ue* h*ujus*mo*d*i Causæ Querelæ contractus ac alia premissa supradicta vel eorum aliquod oriri celebrari, contrahi vel fieri contingat juxta Jura, Statuta, Ordinationes, Leges et Consuetudines ab antiquo observatos[1] audiendum & terminandum ac insuper in omnibus et singulis Querelis, Contractibus conventionibus ac Causis et Negotiis civilibus et maritimis ultra Mare p*er*ficiendis ultrave Mare contractis qualitercunq*ue* emergentibus seu contingentibus ac etiam in ceteris causis et materiis omnibus et singulis quæ Jurisdictionem maritimam Admiralitatis nostræ pred*ictæ* in dictis Provinciâ et Territorio nostris de Massachusets bay pred*icto*, et partib*us* maritimis eorund*em* et eisdem adjacentibus quibuscunq*ue* quovismodo tangunt seu aliquo modo concernunt vel ab Antiquo pertinere debuerunt aut debent. Et generaliter in omnibus et singulis aliis Causis Litibus, Criminibus, delictis excessubus, injuriis Querelis, maleficiis seu quasi maleficiis, transgressionibus, Regratariis forstallariis et Negotiis maritimis quibuscunq*ue* per Loca predicta infra Jurisdictionem maritimam Admiralitatis n*ost*ræ Provinciæ et Territorii nostrorum de Massachusets-bay pred*icto* per Mare vel Aquam aut Ripas seu Littora eorundem qualitercunq*ue* factis, commissis, perpetratis aut emergentibus Necnon ad inquirendum p*er* Sacramentum proborum et legali*um* hominum de dictis Provincia et Territorio nostris de Massachusets bay pred*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* tam infra Libertates et ffranchesias quam extra ubilibet commorantium tam de omnibus & singulis quæ de jure, Statutis, Legibus, ordinationibus, et consuetudinib*us* ab Antiquo observatis inquiri solent, vel deberent quam de Wrecco maris ac de o*mni*bus et singulis bonis & Catallis quorumcunq*ue* proditorum, Piratarum, Homicidarum, et felonum qualitercunq*ue* infra Juris*diction*em maritimam Admiralitatis Nostræ Pro-

[1] *Sic:* observata.

vinciæ & Territorii n*ost*rorum et Massachusets bay pred*icto* delinquentium ac de bonis debitis et catallis omnium et singulorum eorum manutenentium, accessariorum, consulentium auxiliantium vel assistentium quorumcunque atq*ue* etiam de bonis debitis et catallis quarumcunq*ue* personarum, felonum de se, et cujuslibet personæ felonis de se infra Jurisdictionem nostram maritimam prædictam quovismodo, seu qualitercunq*ue* ad mortem deveniens*tium* ubicunq*ue* bona debita et catalla hujusmodi aut aliqua parcella eorundem per Mare Aquam vel Terram in dictis Provinciâ & Territorio nostris de Massachusets bay pred*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* tam infra Liber*ta*tes et Franchesias quam extra fuerint inventa seu invenienda forisfacta seu forisfacienda vel existentia quæcunq*ue* Et etiam de bonis debitis et catallis quarumcunq*ue* aliarum p*er*sonarum felonum de se, et cujuslibet alterius personæ felonis de se infra Jurisd*ictione*m nostram maritimam prædictam repertis, seu reperiendis contingentibus quibuscunq*ue* Et præterea tam de bonis, debitis et Catallis quorumcunq*ue* aliorum proditorum Felonum Homicidarum ubicunque locorum delinquentium ac de bonis debitis et catallis eorum manutenentium accessariorum consulentium auxiliantium vel assistentium quam de bonis debitis et catallis quorumcunq*ue* fugitivorum convictorum, attinctorum, damnatorum, utlegatorum vel in exigendo[1] pro proditione feloniâ Homicidio vel murdro, seu aliquo alio quocunq*ue* Offenso aut Delicto qualitercun*que* posito sive ponendo[2] ac etiam de bonis waviatis, flotzon, Jetzon, Lagon Shares Thesauro invento seu inveniendo Deodandis ac de bonis quorumcunq*ue* aliorum pro Derelictis habitis vel habendis, seu casu fortuito repertis aut reperiendis vel qualitercunq*ue* debitis seu debendis ac de o*mni*bus aliis casualibus tam in super vel p*er* Mare Littoraq*ue* Crecas aut Costeras Maris vel partes maritimas quam in super vel per Aquas dulces, Portus, fluminia[3] publica, Rivos, seu Crecas aut Loca superinundata quæcunq*ue* infra fluxum et refluxum Maris,

[1] *Sic:* exigendam. [2] *Sic:* positorum sive ponendorum. [3] *Sic:* flumina.

seu Aquæ ad plentitudinem aut super Littora vel Ripas alicujus eorundem infra jurisdictionem n*ost*ram maritimam prædictam qualitercunq*ue* quandocunq*ue* vel quomodocunq*ue* emergentibus, contingentibus sive provenientibus quibuscunq*ue* vel ubicunq*ue* bona, debita et catalla hujusmodi aut cætera pr*e*missa vel aliqua parcella eorundem infra jurisd*ictione*m n*ost*ram maritimam prædictam reperiantur aut inveniri seu reperiri contigerint Ac insup*er* de Anchoragiis et Lastagiis seu arenosâ Navium oneratione, et de Piscibus regalibus vizt Sturgeonibus, Ballenis, Cetis Porpesiis Dolphinis Riggis et Graspiciis, et Generaliter de cæteris Piscibus quibuscunq*ue* magnam sive ingentem crassidutinem[1] sive pinguedinem in se habentibus, ab antiquo de jure vel consuetudine ad Nos quovismodo p*er*tinentibus aut spectan*tibus* seu aliquo modo consuetis Eademq*ue* Wreccum Maris ac bona debita et Catalla, ac cætera p*re*missa omnia et singula unacum o*mni*bus et omnimodis finibus, mulctis exitibus forisfacturis, amerciamentis, redemptionibus et recognitionibus quibuscunq*ue* forisfactis seu forisfaciend*is* et pœnis pecuniariis pro transgressionibus delictis injuriis, extortionibus, contemptibus, ac aliis maleficiis quibuscunque vel pro aliqua Re, materiâ seu causâ quacunq*ue* impositis vel inflictis imponendis vel infligendis qualitercunq*ue* in dictis Provincia et Territorio nostris de Massachusets bay præd*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* in aliquâ Curiâ Admiralitatis nostræ ib*ide*m tentâ seu tenendâ p*re*sentatis seu p*re*sentandis assidendis afferendis forisfaciendis seu adjudicandis ac etiam unacum Amerciamentis exitibus, finibus perquisitis Mulctis et pœnis pecuniariis quibuscunq*ue* ac forisfacturis quarumcunq*ue* Recognitionum coram vobis v*est*rove Locumtenente Deputato vel Deputatis in dictis Provincia et Territorio Nostris de Massachusets bay præd*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* audiendis et terminandis assignatis seu assignandis contingentibus seu impositis aut imponendis vel infligendis seu aliquo modo assidendis afferendis forisfaci-

[1] *Sic:* crassitudinem.

endis seu adjudicandis aut aliquo modo occasione p*re*missorum Nobis, vel hæredibus, seu successoribus Nostris in ea p*ar*te qualitercunq*ue* debitis sive debendis quibuscunq*ue* petendum exigendum levandum capiendum colligendum recipiendum et obtinendum ac ad usum n*ost*rum et officii Magni Admiralli n*ost*ri Angliæ præd*icti* pro tempore existentis custodiendum, et conservandum. Ac insuper recognitiones Cautiones Obligationes & Stipulationes quascunq*ue* tam ad usum nostrum quam ad quarumcunq*ue* partium instantiam pro conventionib*us* seu debitis ac aliis Causis quibuscunq*ue* capiendum Easq*ue* executioni ponend*um* et exequi faciendum & mandandum Necnon Naves personas res bona, merces et mercimonia quæcunq*ue* p*ro* præmissis et eorum quolibet ac aliis Causis quibuscunq*ue* ea concernentibus ubicunq*ue* Locorum p*er* dict*a* Provinciam et Territorium nostra de Massachusets bay pred*icto* ac partes maritimas eorundem et eisdem adjacentes quascunq*ue* infra Libertates et ffranchesias vel extra fuerint inventa seu reperta Atq*ue* etiam pro aliis conventionibus, Causis seu Debitis quibuscunq*ue* qualitercunq*ue* contractis sive emergentibus dummodo bona seu persones debitorum reperiantur infra Juris*diction*em n*ost*ram predictam juxta Leges Civiles et maritimas et consuetud*ines* ab Antiquo usitatas realiter arrestandum et arrestari faciendum, et mandandum Ipsasque cum suis emergentibus dependentibus incidentibus annexis et connexis Causis et Negotiis quibuscunq*ue* unacum ceteris Causis civilibus et maritimis atque Querelis contractibus et aliis p*re*missis omnibus et singulis quibuscunque superius respec*tive* expressis juxta Leges et Consuetudines pred*ictas* ac aliis Viis, modis et mediis legitimis quibus melius sciveris, aut poteris, audiendum examinand*um* discutiendum et fine debito terminandum ac personas quascunq*ue* in ea p*ar*te prout casus exiget comparere et respondere cum cujuslibet coertionis temporalis alteriusq*ue* pœne et mulcte potestate juxta Leges et Consuetudines pred*ictas* compellendum et justitiam faciendum et ministrandum etiam Juris ordine

servato seu velo levato sine strepitu et figura judicii sola facti et rei veritate inspecta procedendum. Reosq*ue* et Contemptores ac Juris seu Juris[dictio]nis Admiralitatis Nostræ predictæ violatores Usurpatores Delinquentes et contumaciter absentes Naucleros Marinarios Remiges Piscatores Naupegos et alios Operarios et Expertos quoscunq*ue* res nauticas quascunq*ue* exercentes juxta jura, Statuta, Leges, Ordinationes et Consuetudines ab antiquo observatas mulctandum, corrigendum, puniendum, castigandum et reformandum ac in quibuscunque Carceribus infra Provinciam et Territorium n*ost*ros[1] de Massachusets bay pred*icto* existentibus incarcerandum et incarcerari faciendum et mandandum Incarceratosq*ue* quoscunq*ue* in ea p*ar*te qui deliberandi fuerint deliberandum et penitus exonerandu*m* et exonerari faciendum et mandandum fluminaq*ue* publica, portus, Rivos et aquas dulces ac Crecas quecunq*ue* infra jurisdictionem nostram maritimam predictam ubicunq*ue* Locorum in dictis Provincia et Territorio n*ost*ris de Massachusets bay pred*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* existunt pro conservatione tam classis nostræ quam Classium et Navigiorum Regnorum et Dominior*um* Nostrorum predictorum quam Piscium in eisdem fluminibus et locis pred*ict*is crescentium quorumcunq*ue* Necnon Jura, Statuta, Leges, Ordinationes et Consuetudines ab antiquo observata in dictis Provincia et Territorio nostris de Massachusets bay pred*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* conservandum et exequi et conservari faciend*um* Omniaque et singula alia faciendum exercendum expediendum et exequendum in p*re*missis et eorum quolibet prout de jure et secundum Leges et Statuta Ordinationes et Consuetudines pred*icta* fuerint faciend*a* Ac insuper Retia nimis stricta ac alia Ingenia sive Instrumenta quecunq*ue* illicita circa prensionem Piscium ubicunq*ue* locorum per mare aut flumina publica, Portus, Rivos, aquas dulces seu Crecas

[1] *Sic:* nostra.

quecunq*ue* per Provinciam et Territorium nostros[1] de Massachusets bay pred*icto* et p*ar*tes maritimas eorund*em* et eisdem adjacentes quascunq*ue* infra Jurisd*ictione*m n*ost*ram pred*ictam* ubicun*que* Locorum per Aquam occupata sive exercitata ac exercitatores et occupatores eorund*em* juxta Jura, Statuta, Leges, Ordinationes et Consuetudines pred*icta* puniendum, corrigendum et reformandum Sententiasq*ue* et Dec*re*ta quecunq*ue* fulminandum, promulgandum et interponendum Eaq*ue* execut*i*oni demandandum cum cognitione et jurisdictione quarumcunq*ue* aliarum Causarum civilium et maritimarum que sunt maris seu que mare vel maris per Transitum sive passagium aut Iter navale sive viagium maritimum vel Juris*dictione*m n*ost*ram maritimam supradictam seu Loca vel Limites Adm*iralita*tis Nostræ pred*ictæ* et cognitionem an*tedic*tam ac alia quecunq*ue* expedita vel expedienda quovismodo concernunt seu respiciunt etiam cum potestate procedendi in eisdem juxta Jura, Statuta, Leges, Ordinationes ac Consuetudines pred*icta* ab antiquo usitata tam ex officio mero mixto vel p*ro*moto quam ad alicujus partis instantiam prout casus exiget et expediens visum fuerit Et etiam cum cognitione et decisione de Wrecco maris magno seu parvo, ac de morte submersione, et visu corporum mortuorum quarumcunq*ue* personarum in mare, vel fluminibus publicis, portubus, aquis dulcibus, seu Crecis quibuscunq*ue* infra fluxum maris, et Aque ad plenitudinem p*er* dict*a* Provinciam, et Territorium n*ost*ros[2] de Massachusets bay pred*icto* et partes maritimas eorundem et eisdem adjacentes quascunq*ue* vel alibi infra Juris*dictione*m nostram pred*ictam* qualitercunq*ue* interfectarum sive submersarum aut interficiendarum seu submergendaru*m* sive murderatarum vel murderandarum aut aliquo alio modo ibi*de*m ad mortem devenientium unacum cognitione de Mahemio in locis predictis infra Juris*dictione*m nostram maritimam pred*ic*tam ac fluxum maris et aque ibidem contingenti[3] cum potestate etiam puniendi Delinquentes in ea

[1] *Sic:* nostra. [2] *Sic:* nostra. [3] *Sic:* contingente.

*par*te quoscunq*ue* juxta juris exigentiam et Consuetudines pred*ictas* Cæteraq*ue* omnia, et singula que in premissis tantum, et circa ea necessaria fuerint, seu quomodolibet opportuna juxta et secundum Jura, et Statuta, Leges, Ordinationes et Consuetudines pred*icta* faciendu*m* exercendu*m* expediendu*m* et exequendu*m* Tibi de cujus Fidelitate et circumspec*ti*onis industria plurimu*m* in hac p*ar*te confidimus Vices et authoritatem N*ost*ras in et per Provinciam, et Terr*itori*um n*ost*ros[1] de Massachusets bay pred*icto* et p*ar*tes maritimas eorundem et eisdem adjacentes quascunq*ue* Atque etiam p*er* omnia et singula Littora maris Fluminaq*ue* publica, Portus, aquas dulces Rivos Crecas et Brachia tam Maris quam Fluminum et Costeras quecunq*ue* dictor*um* Provincie et Territorii nostrorum de Massachusets bay pred*icto* et partium maritimarum eorundem et eisdem adjacen*tium* quarumcunq*ue* infra Libertates et ffranchesias ac extra comittimus p*er* p*re*sentes ac concedimus cum potestate alium vel alios Deputatum sive Deputatos quoties Tibi expediens visum fuerit loco tuo in premissis deputandi et surrogandi et etiam cum potestate quoscunq*ue* alios Officiarios et Ministros pro dicto Officio et exercitio ejusdem in dictis Provincia et Territorio n*ost*ris de Massachusets bay pred*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* sub Te necessarios idoneos et opportunos (Judice Reg*istra*rio et Mar*iscal*lo exceptis) de tempore in tempus nominandi, p*re*ficiendi, ordinandi, assignandi, faciendi et constituendi Salvo semper Jure Sup*re*me Curie Admiralitatis Nostræ Angliæ necnon Judicis et Reg*istra*rii ejusdem Curie quibus et eorum alteri in aliquo nolimus derogare p*er* p*re*sentes et salvo jure cujuscunq*ue* lesi et gravati p*er* aliquam Sententiam definitivam sive Dec*retu*m interlocutorium in Curia Vice Admiralitatis Provincie et Territorii nostrorum de Massachusets bay pred*icto* ferend*um* ad Supremam Curiam Admiralitatis Anglie predict*am* appellandi Teque prefatum **Gulielmum Phips** mi-

[1] *Sic:* nostra.

litem Vice Admirallum Commissarium ac Dep*uta*tum n*ost*rum in Officio Vice Admiralitatis in Provincia et Territorio n*ost*ris de Massachusets bay pred*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* unacum omnibus et singulis feodis proficiis advantagiis emolumentis commoditatibus et p*er*tinen*ciis* quibuscunq*ue* eidem Officio vice Admiralli Comm*issa*rii et Deputati in dictis Provincia et Terr*ito*r*io* n*ost*ris de Massachusets bay pred*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* juxta Ordinationes, et Statuta Supreme Curie Admiralitatis nostre Anglie pred*icte* debitis et spectantibus ordinamus p*re*ficimus et deputamus per p*re*sentes ad beneplacitum n*ost*rum tantummodo duraturum[1] Proviso tamen semper et sub hac Lege et Conditione q*uo*d si Tu p*re*fatus Gulielmus Phips Nos et Locumtenentem nostrum Supremæ Curiæ Admiralitatis nostræ Angliæ et in dicta Curia et Off*icia*lem principalem Com*missa*riumq*ue* Gen*era*lem et Specialem ac ejusdem Curie Presidentem et Judicem de omni eo quod de tempore in tempus vigore pr*ese*ntium feceris et executus fueris collegeris aut reciperis[2] in p*re*missis vel p*re*missorum aliquo annuatim (vizt) in fine cujuslibet anni inter Festa S*anc*ti Michaelis Archangeli et Omnium Sanctoru*m* cum pleno et fideli Computo tuo superinde sub authentica forma conficiendo ac Sigillo Officii N*ost*ri in custodia tua remanenti sigillando debite non certificaveris et certiorem reddi feceris cum effectu extunc et post Defaltam in ea parte h*ujus*mod*i* L*itte*re n*ost*re Patentes de Officio vice Admiralli pr*edicto* Tibi (ut p*re*fertur) concesse vacue et irrite erunt nulliusque roboris aut effectus Mandantes omnibus et singulis Proceribus Justitiariis majoribus Vice Comitibus, Capitaneis, Senescallis, Ballivis, et Custodibus Gaolarum et Carcerum n*ostro*rum quorumcunq*ue* et Constabulariis ceterisq*ue* ministris et fidelibus Subditis et Ligeis n*ost*ris quibuscunq*ue* et eorum cuilibet tam infra Libertates et ffranchesias quam extra quod Tibi et Deputato tuo

[1] *Sic:* duraturas. [2] *Sic:* receperis.

cuicunq*ue* aliisq*ue* off*iciar*iis ejusd*em* vice-Admiralitatis n*ost*re in Provincia et Territorio nostris de Massachusets bay pre-d*icto* et partibus maritimis eorundem et eisdem adjacentibus quibuscunq*ue* p*er* Te assignatis seu assignandis circa executionem p*re*missorum et eorum cujuslibet intendentes, faventes, auxiliantes parentes pariter et obedientes sint in omnibus prout decet sub pena Juris et periculo incumbenti.

Dat*um* Londini in Sup*re*ma Curia Adm*iralita*tis n*ost*re Anglie sub sigillo ejusd*em* magno 29no die mensis Decembris Anno Domini 1691 Regniq*ue* n*ost*ri tercio.[1]

—— *Royal Courts of Justice, Admiralty Registry, Muniment Books, Volume 4, pp. 63–67.*

[1] A translation of this Commission will be found in the Appendix, pp. 372–380, *post*.

RICHARD, EARL OF BELLOMONT'S COMMISSION

AS

VICE-ADMIRAL OF THE COLONIES OF THE MASSACHUSETTS BAY, NEW YORK, AND NEW HAMPSHIRE

10 October, 1698

LITTERÆ PATENTES CONCESSÆ PRENOBILI ET HONORANDO VIRO RICHARDO COMITI DE BELLAMONT GUBERNATORI COLONIARUM DE MASSACHUSETTS BAY, NEW YORKE ET NEW HAMPSHIRE IN AMERICA ET GUBERNATORI EARUNDEM COLONIAR*UM* PRO TEMP*ORE* IB*IDE*M EXISTENT*I* SUNT EJUSD*E*M TENORIS L*ITTE*RARUM PATENTI*UM* CONCESS*ARUM* D*OMI*NO GULIELMO BEESTON MILITI GUBERNAT*ORI* INSULÆ JAMAICÆ ET GUBERNATOR*I* EJUSDEM INSULÆ PRO TEMP*OR*E EXISTEN*TI* PRO OFFICIO VICE ADMIRALLI IN DICTA INSULA JAMAICA, SALVIS CLAUSULIS INFRASCRIPTIS [1]

Gulielmus Tertius &c.

1. Predilecto et fideli Nostro **Richardo Comiti de Bellamont** Gubernatori N*ost*ro Coloniarum n*ost*rarum de Massa-

[1] The Commission of Sir William Beeston, Governor of Jamaica, dated 15 September, 1692, is entered in Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 4, p. 98. It is identical with that of Sir William Phips (pp. 206–215, *ante*) except as regards the names and date and that against the words "(Judice Registrario et Mariscallo exceptis)" (p. 213, *ante*) there is written in the margin "This clause was by order of Sir Ch. Hedges ye Judge left out in this patent."

chusetts Bay, New Yorke et New Hampshire in America necnon Principali Gubernatori n*ost*ro earundem Coloniarum pro tempore ib*id*em existent*i*.

2. Coloniarum N*ost*rarum de Masachusetts Bay, New Yorke & New Hampshire in America et Territorior*um* eisdem dependentium.

3. In dictis Coloniis Nostris de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependen*tibus*.

4. Coloniarum *nost*rarum de Masachusets Bay, New Yorke et New Hampshire in America et Territoriorum eisdem dependen*tium* pred*ictorum*.

5. dictis Coloniis n*ostr*is de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependentibus.

6. Coloniarum n*ost*rarum de Masachusetts Bay, New Yorke et New Hampshire in America et Territorio*rum* eisdem dependen*tium*.

7. In dictis Coloniis n*ost*ris de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependen*tibus*.

8. In dictis Coloniis n*ostr*is de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependen*tibus*.

9. In dictis Coloniis n*ostr*is de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependen*tibus*.

10. per dictas Colonias n*ost*ras de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependen*tibus*.

11. Infra Colonias n*ost*ras de Masachusets Bay, New Yorke et New Hampshire in America et Territoria eisdem dependen*tia*.

12. In dictis Coloniis n*ost*ris de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependent*ibus*.

13. In dictis Coloniis n*ost*ris de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependent*ibus*.

14. per Colonias n*ost*ras de Masachusets Bay, New Yorke et New Hampshire in America et Territoria eisdem dependen*tia*.

15. per dictas Colonias n*ost*ras de Masachusets Bay, New Yorke et New Hampshire in America et Territoria eisdem dependen*tia*.

16. Tibi p*re*fato Richardo Comiti de Bellamont Gubernatori nostro dictar*um* Coloniar*um* n*ost*rarum de Masachusets Bay, New Yorke et New Hampshire in America et principali Gubernatori nostro earundem Coloniarum pro tempore ibidem existen*ti*.

17. In et p*er* Colonias n*ost*ras de Masachusets Bay, New Yorke et New Hampshire in America et Territoria eisdem dependen*tia* pred*icta*.

18[A]. Dictar*um* Coloniar*um* nostrar*um* de Masachusets Bay, New Yorke et New Hampshire in America et Territorior*um* eisdem dependen*tium*.

18[B]. In dictis Coloniis n*ost*ris de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependen*tibus*

19. Coloniar*um* nostrarum de Masachusets Bay, New Yorke et New Hampshire in America et Territoriorum eisdem dependent*ium*.

20. Teq*ue* p*re*fatum Richardum Comitem de Bellamont Gubernator*em* nostrum pred*ictum* et princ*ipa*lem Gubernator*em* nostrum pro tempore ibidem existent*em*.

21. In Coloniis n*ost*ris de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependen*tibus*.

22. In dictis Coloniis n*ost*ris de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependen*tibus*.

23. Tu prefatus Richardus Comes de Bellamont Gubernator noster antedictus et principalis Gubernator noster pro tempore ibidem existens.

24. Tibi prefato Richardo Comiti de Bellamont Gubernatori nostro Coloniarum nostrarum de Masachusets Bay, New Yorke et New Hampshire in America et principali Gubernatori nostro earundem Coloniarum pro tempore ibidem existenti.

25. In Coloniis nostris de Masachusets Bay, New Yorke et New Hampshire in America et Territoriis eisdem dependentibus predictis.

26. Decimo die mensis Octobris Anno Domini Millesimo Sexcentisimo Nonagesimo Octavo Regnique Nostri Decimo.[1]

—— *Royal Courts of Justice, Admiralty Registry, Muniment Books, Volume 4, p. 204.*

[1] This Commission and the five following Commissions were not enrolled in full, the Commissions to Beeston, Crow, etc., mentioned therein having numbers put in to correspond with the numbers in the margin to show where the differences lay. This was a common practice in these Admiralty Muniment Books to save time in enrolling.

JOSEPH DUDLEY'S COMMISSION

AS

VICE-ADMIRAL OF THE COLONIES OF THE MASSACHUSETTS BAY, NEW HAMPSHIRE, ETC.

26 February, 1701–2

LITERÆ PATENTES CONCESSÆ JOSEPHO DUDLEY ARMIGERO GUBERNATORI PROVINCIARUM ET COLONIARUM DE MASSACHUSETS BAY, NEW HAMPSHIRE, RHODE ISLAND, PROVIDENCE PLANTATION ET LE NARRAGANSET COUNTRY VEL KING'S PROVINCE IN AMERICA ET GUBERNATORI EARUNDEM PRIN*CIPA*LI PRO TEMPORE EXISTEN*TI* PRO OFFICIO VICE-ADMIRALLI IN EISDEM PROVINCIIS ET COLONIIS DE MASSACHUSETS BAY, NEW HAMPSHIRE, RHODE ISLAND, PROVIDENCE PLANTATION ET NARRAGANSET COUNTRY VEL KINGS PROVINCE SUNT EJUSDEM TENORIS L*ITTE*RARUM PATENTIUM CONCESS*ARUM* MITFORD CROW ARM*IGERO* FOL. 58 SALVIS CLAUSULIS INFRASCRIPTIS[1]

1. Dilecto Nobis Josepho Dudley Armigero Gubernatori Provinciarum et Coloniarum de Massachusets Bay, New

[1] The Commission of Mitford Crow, Governor of Barbados, dated 26 February, 1701–2, is entered in Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 5, p. 58. It is identical with that of Sir William Phips (pp. 206–215, *ante*) except as regards names and date, and as follows: The words "(Judice Registrario et Mariscallo exceptis)" (p. 213, *ante*) do not appear, nor is there any note about them. Also, at the end, where Phips's Commission reads "decet sub pena Juris et periculo incumbenti" (p. 215, *ante*), Crow's Commission reads "decet sub poena contemptus Literarum

Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel Kings Province in America necnon Gubernatori princ*ipa*li earundem Provinciar*um* et Coloniarum pro tempore ibidem existen*ti*.

2. Provinciarum et Coloniarum de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriorum eisdem dependen*tium*.

3. Dictis Provinciis et Coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriis eisdem dependen*tibus* pred*ictis*.

4. d*ict*arum Provinciarum et Coloniarum de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel Kings Province in America et Territorior*um* eisdem dependen*tium* pred*ictorum*.

5. dictis Provinciis et Coloniis de Massachusetts Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel Kings Province in America et Territoriis eisdem dependen*tibus* pred*ictis*.

6. Provinciarum et Coloniarum de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation, et le Narraganset Country vel Kings Province in America et Territorior*um* eisdem dependentium pred*ictorum*

7. Dictis Provinciis et Coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriis eisdem dependen*tibus* pred*ictis*.

patentium ipsius Regiae Majestatis de et super premissis omnibus et singulis Nobis factarum et concessarum et periculo incumbente Datum" etc. And at the end is this note:

This I approve of as a standing forme of a vice Admirall's Patent for the Forreigne Plantations.

Feb. 23 1701-2 HEN: NEWTON.

19° Feb. 1701° Jurat sub valore 50l p annum

8. Dictis Provinciis et Coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriis eisdem dependent*ibus* predi*ctis*.

9. Dictis Provinciis et Coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriis eisdem dependent*ibus* predi*ctis*.

10. Dictas Provincias et Colonias de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoria eisdem dependentia.

11. D*ict*as Provincias et Colonias de Massachusets Bay, New Hamphire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America, et Territoria eisdem dependent*ia* predi*cta*.

12. Dictis Provinciis et Coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America, et Territoriis eisdem dependent*ibus*.

13. Dictis Provinciis et Coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriis eisdem dependent*ibus* predi*ctis*.

14. Dictas Provincias et Colonias de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoria eisdem dependent*ia* predi*cta*.

15. Dictas Provincias et Colonias de Massachusetts Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoria eisdem dependent*ia* predi*cta*.

16. Josepho Dudley Arm*igero* Gubernatori Provinciar*um* et Coloniarum de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country

vel King's Province in America et Gubernatori prin*cipa*li earundem Provinciar*um* et Coloniarum pro tempore ibidem existen*ti*.

17. d*ict*as Provincias et Colonias de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoria eisdem dependen*tia* pre*dicta*.

18. Dictar*um* Provinciar*um* et Coloniar*um* de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriorum eisdem dependen*tium* pred*ictorum*.

19. dictis Provinciis et Coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriis eisdem dependen*tibus* pred*ictis*.

20. Dictarum Provinciarum et Coloniarum de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriorum eisdem dependen*tium* pred*ictorum*.

21. Josephum Dudley arm*igerum* gubernator*em* Provinciar*um* et Coloniar*um* de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Gubernatorem prin*cipa*lem earund*em* Provinciar*um* et Coloniar*um* pro tempore ib*ide*m existent*em*.

22. In Provinciis et coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriis eisdem dependen*tibus* pred*ictis*.

23. Dictis Provinciis et Coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriis eisdem dependen*tibus* pred*ictis*.

24. Josephus Dudley arm*iger* gubernator Provinciar*um* et Coloniar*um* de Massachusets Bay, New Hampshire, Rhode

Island, Providence Plantation et le Narraganset Country vel King's Province predict*arum* in America et Gubernator princ*ipa*lis earundem Provinciar*um* et Coloniar*um* pro tempore ibidem existens.

25. Josepho Dudley armigero Gubernatori Provinciar*um* et Coloniar*um* de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province predict*arum* in America et Gubernatori principali earundem Provinciar*um* et Coloniarum pro tempore ibidem existen*ti*.

26. Dictis Provinciis et Coloniis de Massachusets Bay, New Hampshire, Rhode Island, Providence Plantation et le Narraganset Country vel King's Province in America et Territoriis eisdem dependen*tibus* pred*ictis*.

27. Vicesimo sexto die mensis Februarii Anno Domini Millesimo septing*ente*simo primo (stilo Anglie)

28. decimo quarto.

23° Feb. 1701. Jurat*ur* sub valore
50 ℔ *per* annum.

—— *Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 5, pp. 65–66.*

ELIZEUS BURGES'S COMMISSION

AS

VICE-ADMIRAL OF THE COLONIES OF NEW HAMPSHIRE AND THE MASSACHUSETTS BAY

22 March, 1714–5

LITERÆ PATENTES CONCESS*Æ* ELIZEUS BURGES ARMIGERO GUBERNATORI COLONIARUM DE NEW HAMPSHIRE ET MASSACHUSETS BAY IN AMERICA PRO OFFICIO VICE-ADMIRALLI DICTARUM COLONIARUM ET TERRITORIORUM EISDEM DEPENDENTIUM SUNT EJUSDEM TENORIS L*ITTERA*RUM PATENTIUM CONCESS*ARUM* ROBERTO LOWTHER ARM*IGERO* FOL. 161, SALVIS CLAUSULIS SEQUENTIBUS[1]

1. Dilecto Nobis Elizeus Burges Armigero Gubernatori Nostro Coloniarum Nostrarum de New Hampshire et Massachusets Bay in America.

2. Coloniarum Nostrarum de New Hampshire et Massachusets Bay in America predict*a* et Territorior*um* eisdem dependentium.

3. Dictis Coloniis Nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

[1] The Commission of Robert Lowther, Governor of Barbados, dated 12 February, 1714–5, is entered in Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 6, p. 161[b], and is identical with that of Sir William Phips (pp. 206–215, *ante*) except as regards the names and date and that the words "(Judice Registrario et Mariscallo exceptis)" (p. 213 *ante*) do not appear, nor is there any note about them.

4. Coloniarum nostrarum de New Hampshire et Massachusets Bay in America et Territoriorum eisdem dependen*tium* pred*ictorum*.

5. Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

6. Coloniarum nostrarum de New Hampshire et Massachusets Bay in America et Territorior*um* eisdem dependentium p*re*dict*orum*

7. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

8. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

9. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

10. Dictas Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

11. Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

12. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

13. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

14. Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

15. Dictas Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

16. Elizeus Burges Armigero Gubernatori nostro Coloniarum nostrarum de New Hampshire et Massachusets Bay in America predict*a*.

17. Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

18. Coloniarum nostrarum de New Hampshire et Massachusets Bay in America et Territorior*um* eisdem dependent*ium*.

19. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

20. Coloniar*um* nostrarum de New Hampshire et Massachusets Bay in America et Territoriorum eisdem dependent*ium*.

21. Elizeus Burges Armigerum Gubernatorem nostrum predictum.

22. Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

23. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

24. Elizeus Burges Armiger Gubernator noster antedictus

25. Elizeus Burges Armigero Gubernatori nostro Coloniarum Nostrarum de New Hampshire et Massachusets Bay in America predicta.

26. Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

27. Vicesimo secundo Martii 1714-5.

28. Primo.

—— *Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 6, p. 170.*

SAMUEL SHUTE'S COMMISSION

AS

VICE-ADMIRAL OF THE COLONIES OF NEW HAMPSHIRE AND THE MASSACHUSETTS BAY

13 JUNE, 1716

LITERÆ PATENTES CONCESSÆ SAMUELI SHUTE ARMIGERO GUBERNATORI COLONIARUM DE NEW HAMPSHIRE ET MASSACHUSETS BAY IN AMERICA PRO OFFICIO VICE-ADMIRALLI DICTARUM COLONIARUM ET TERRITORIORUM EISDEM DEPENDENTIUM SUNT EJUSD*EM* TENORIS LITTERARUM PATENTIUM CONCESS*ARUM* ROBERTO LOWTHER ARM*IGER*O FOL. 161, SALVIS CLAUSULIS INFRASCRIPTIS[1]

1. Dilecto Nobis Samueli Shute Armigero Gubernatori Nostro Coloniarum Nostrarum de New Hampshire et Massachusets Bay in America.

2. Coloniarum Nostrarum de New Hampshire et Massachusets Bay in America predict*a* et Territoriorum eisd*em* dependentium.

3. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

4. Coloniarum n*ost*rarum de New Hampshire et Mas-

[1] See the note to Elizeus Burges's Commission, page 225, *ante*.

sachusets Bay in America et Territoriorum eisdem dependentium.

5. Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

6. Coloniarum n*ost*rarum de New Hampshire et Massachusets Bay in America et Territorior*um* eisdem dependentium p*r*edict*orum*.

7. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

8. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

9. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

10. Dictas Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

11. Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

12. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

13. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

14. Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

15. Dictas Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

16. Samueli Shute Arm*ger*o Gubernatori Nostro Coloniarum nostrarum de New Hampshire et Massachusets Bay in America predict*a*.

17. Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependen*tia*.

18. Coloniarum nostrarum de New Hampshire et Massachusets Bay in America et Territorior*um* eisdem dependent*ium*.

19. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

20. Coloniar*um* nostrarum de New Hampshire et Massachusets Bay in America et Territoriorum eisdem dependent*ium*.

21. Samuelem Shute Armigerum Gubernatorem nostrum predictum.

22. Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

23. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

24. Samuel Shute armiger Gubernator noster antedictus

25. Samueli Shute armigero Gubernatori nostro Coloniarum Nostrarum de New Hampshire et Massachusets Bay in America predict*a*.

26. Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

27. decimo tertio Junii 1716to

28. Secundo.

—— *Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 6, p. 192^{b}.*

WILLIAM BURNET'S COMMISSION

AS

VICE-ADMIRAL OF THE COLONIES OF NEW HAMPSHIRE AND THE MASSACHUSETTS BAY

14 March, 1727–8

LITERÆ PATENTES CONCESSÆ GUILIELMO BURNETT ARMIGERO GUBERNATORI COLONIARUM DE NEW HAMPSHIRE ET MASSACHUSETS BAY IN AMERICA PRO OFFICIO VICE-ADMIRALLI DICTAR*UM* COLONIAR*UM* ET TERRITORIORUM EISDEM DEPENDENTIUM SUNT EJUSDEM TENORIS LITTERAR*UM* PATENTIUM CONCESS*ARUM* ROBERTO HUNTER ARM*IGERO* (FOL. 120) SALVIS CLAUSULIS INFRASCRIPTIS[1]

1. Dilecto Nobis **Gulielmo Burnett** Armigero Gubernatori Nostro Coloniarum Nostrar*um* de New Hampshire et Massachusets Bay in America.

2. Coloniarum Nostrarum de New Hampshire et Massachusets Bay in America predict*a* et Territorior*um* eisdem dependentium.

3. Dictis Coloniis Nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

[1] The Commission of Robert Hunter, Governor of Jamaica, dated 11 September, 1727, is entered in Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 7, p. 120, and is identical with that of Sir William Phips (pp. 206–215, *ante*) except as regards names and date and that the words "(Judice Registrario et Mariscallo exceptis)" (p. 213, *ante*) do not appear, nor is there any note about them.

4. Coloniarum nostrarum de New Hampshire et Massachusetts Bay in America predict*a* et Territorior*um* eisdem dependen*tium*.

5. Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

6. Coloniarum nostrarum de New Hampshire et Massachusetts Bay in America et Territorior*um* eisdem dependentium predict*orum*.

7. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

8. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

9. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

10. Dictas Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

11. Colonias nostras de New Hampshire et Massachusets Bay in America predict*a* et Territoria eisdem dependentia.

12. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

13. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

14. Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

15. Dictas Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

16. Guilielmo Burnett Arm*igero* Gubernatori Nostro Coloniarum nostrar*um* de New Hampshire et Massachusets Bay in America predict*a*.

17. Colonias nostras de New Hampshire et Massachusets Bay in America predict*a* et Territoria eisdem dependentia.

18. Coloniarum nostrarum de New Hampshire et Massachusets Bay in America predict*a* et Territorior*um* eisdem dependentium.

19. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependen*tibus*.

20. Coloniar*um* nostrarum de New Hampshire et Massachusets Bay in America et Territorior*um* eisdem dependentium.

21. Guilielmum Burnett Armigerum Gubernatorem *Nos*trum pred*ict*um.

22. Coloniis nostris de New Hampshire et Massachusets Bay in America predict*a* et Territoriis eisdem dependentibus.

23. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

24. Gulielmus Burnett Armiger Gubernator Noster antedictus.

25. Gulielmo Burnett Armigero Gubernatori Nostro Coloniar*um* no*st*rar*um* de New Hampshire et Massachusetts Bay in America predict*a*.

26. Coloniis N*ost*ris de New Hampshire et Massachusetts Bay in America predict*a* et Territoriis eisdem dependentibus.

27. decimo quarto Martii 1727mo

28. primo.

—— *Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 7, p. 153*^{b}.

JONATHAN BELCHER'S COMMISSION

AS

VICE-ADMIRAL OF THE COLONIES OF NEW HAMPSHIRE AND THE MASSACHUSETTS BAY

2 March, 1729–30

LITERÆ PATENTES CONCESSÆ JONATHANI BELCHER ARMIGERO GUBERNATORI COLONIARUM DE NEW HAMPSHIRE ET MASSACHUSETS BAY IN AMERICA PRO OFFICIO VICE-ADMIRALLI DICTAR*UM* COLONIARUM ET TERRITORIORUM EISDEM DEPENDENT*IUM* SUNT EJUSDEM TENORIS LITTERAR*UM* PATENTIUM CONCESSAR*UM* GEORGIO DOMINO FORBES (FOL. 10.) SALVIS CLAUSULIS INFRASCRIPTIS [1]

1. Dilecto Nobis **Jonathani Belcher** Arm*igero* Gubernatori Nostro Coloniarum Nostrar*um* de New Hampshire et Massachusets Bay in America.

2. Coloniarum Nostrarum de New Hampshire et Massachusets Bay in America predict*a* et Territorior*um* eisdem dependen*tium*.

3. Dictis Coloniis Nostris de New Hampshire et Massachusets Bay in America, et Territoriis eisdem dependentibus.

4. Coloniarum nostrar*um* de New Hampshire et Massa-

[1] The Commission of George, Lord Forbes, Governor of the Leeward Islands, dated 8 January, 1729–30, is entered in Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 8, p. 10b, and is identical with that of Sir William Phips (pp. 206–215, *ante*) except as regards names and date and that the words "(Judice Registrario et Mariscallo exceptis)" (p. 213, *ante*) do not appear, nor is there any note about them.

chusets Bay in America predict*a* et Territorior*um* eisdem dependentium.

5. Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

6. Coloniarum nostrarum de New Hampshire et Massachusets Bay in America et Territorior*um* eisdem dependentium pred*ictorum*.

7. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

8. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependent*ibus*.

9. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependent*ibus*.

10. Dictas Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

11. Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

12. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

13. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

14. Colonias nostras de New Hampshire et Massachusets Bay in America predict*a* et Territoria eisdem dependentia.

15. Dictas Colonias nostras de New Hampshire et Massachusets Bay in America et Territoria eisdem dependentia.

16. Jonathani Belcher Armigero Gubernatori Nostro Coloniarum nostrarum de New Hampshire et Massachusets Bay in America predict*a*.

17. Colonias nostras de New Hampshire et Massachusets Bay in America predict*a* et Territoria eisd*em* dependentia.

18. Coloniarum nostrarum de New Hampshire et Massachusets Bay in America et Territorior*um* eisdem dependentium.

19. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

20. Coloniar*um* nostrarum de New Hampshire et Massachusets Bay in America et Territoriorum eisdem dependentium.

21. Jonathanem Belcher Armigerum Gubernator*em* nostrum predictum.

22. Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

23. Dictis Coloniis nostris de New Hampshire et Massachusets Bay in America et Territoriis eisdem dependentibus.

24. Jonathan Belcher armiger Gubernator noster antedictus.

25. Jonathani Belcher armigero Gubernatori nostro. Coloniar*um* nostrar*um* de New Hampshire et Massachusets Bay in America predict*a*.

26. Coloniis n*ost*ris de New Hampshire et Massachusets Bay in America predict*a* et Territoriis eisdem dependentibus.

27. Secundo Martii 1729no

28. Tertio.

—— *Royal Courts of Justice, Admiralty Registry, Muniment Books, Vol. 8, p. 23.*

WILLIAM SHIRLEY'S COMMISSION

AS

VICE-ADMIRAL OF THE PROVINCE OF THE MASSACHUSETTS BAY

21 August, 1741

George the second by the Grace of God of Great Britain, France & Ireland King, Defender of the Faith &c. To Our beloved William Shirley Esqr Our Captain General & Governour in Chief of Our Province of the Massachusetts Bay in America, *Greeting*;

We confiding very much in your Fidelity, Care & Circumspection in this behalf, do by these Presents which are to continue during Our Pleasure only, ordain constitute & depute you the said **William Shirley** Esqr Our Captain General & Governour in Chief aforesaid, Our Vice Admiral, Commissary & Deputy in the Office of Vice Admiralty in Our Province of Massachusetts Bay afores^d and Territories thereon depending & in the Maritime Parts of the same, and thereto adjoining, whatsoever, with Power of taking & receiving all & every the ffees, Profits, Advantages, Emoluments, Commodities & Appurtenances whatsoever, to & belonging to the said Office of Vice, Admiral, Commissary & Deputy in Our said Province of Massachusetts Bay & Territories dependent thereon, & maritime Parts of the same, and adjoining to them whatsoever, according to the Ordinances & Statutes of Our High Court of Admiralty of England, and

we do hereby commit & grant unto you the aforesaid William Shirley Esqr Our Power & Authority in & throughout Our Province of Massachusetts Bay aforementioned & Territories thereof & maritime parts whatsoever adjacent thereto, & also throughout all & every the Sea Shores, publick Streams, Ports, fresh Waters, Rivers, Creeks & Arms, as well of the Sea, as of the Rivers, & Coasts whatsoever, of our said Province of Massachusetts Bay & Territories dependent thereon, & maritime Parts whatsoever, of the same & thereto adjacent, as well within Liberties, & Franchises, as without, to take Cognizance of, & proceed in all Causes, Civil & Maritime, & in Complaints, Contracts, Offences or suspected Offences, Crimes, Pleas, Debts, Exchanges, Accompts, Charter Parties, Agreements, Suits, Trespasses, Injuries, Extortions & Demands & Businesses Civil & Maritime whatsoever, commenced or to be commenced between Merchants or between Owners & Proprietors of Ships & other Vessels, & Merchants or others whomsoever, with such Owners & Proprietors of Ships & all other Vessels whatsoever employed, or used within the Maritime Jurisdiction of Our Vice Admiralty of Our said Province of Massachusetts Bay & Territories depending on the same, or between any other Persons whomsoever, had, made, began or contracted for any matter Thing, Cause or Business whatsoever done or to be done within Our Maritime Jurisdiction aforesaid, Together with all & singular their Incidents, Emergencies, Dependancies annexed & connexed Causes whatsoever, wheresoever or howsoeuer, & such Causes, Complaints Contracts & other the Premisses abovesaid, or any of them, which may happen to arise, be contracted, had or done, to hear & determine, according to the Rights, Statutes, Laws, Ordinances & Customs anciently observed, & moreover in all & singular Complaints, Contracts, Agreements, Causes & Businesses Civil & Maritime, to be performed beyond the Sea, or contracted there, howsoever arising or happening, & also in all & singu-

lar other Causes & Matters, which in any Manner whatsoever touch or any ways concern, or anciently have & do or ought to belong unto the Maritime Jurisdiction of Our aforesaid Vice-Admiralty in Our said Province of Massachusetts Bay & Territories thereon depending, & maritime Parts thereof & to the same adjoining whatsoever, & generally in all & singular other Causes, Suits, Crimes, Offences, Excessees, Injuries, Complaints, Misdemeanors or suspected Misdemeanors, Trespasses, Regratings, Forestallings & maritime Businesses whatsoever throughout the Places aforesaid, within the Maritime Jurisdiction of Our Vice-Admiralty of Our Province of Massachusetts Bay aforesaid & Territories thereon depending, by Sea or water, on the Banks or Shores of the Same, howsoever done, committed, perpetrated or happening, And also to inquire by the Oath of honest & lawful Men of Our said Province of Massachusetts Bay & Territories dependent thereon, & maritime Parts of the Same & adjoining to them, whatsoever; dwelling both within Liberties and Franchises & without, as well of all & singular such Matters & Things which of right & by the Statutes, Laws, Ordinances & Customs anciently observed, were wont & ought to be inquired after, as of Wreck of the Sea, & of all & singular the Goods & Chattels of whatsoever Traitors, Pyrates, Man Slayers & Felons howsoever, offending within the Maritime Jurisdiction of Our Vice-Admiralty of Our Province of Massachusetts Bay aforementioned & Territories thereunto belonging & of the Goods, Chattels & Debts of all & singular their Maintainors, Accessories, Councellors, Abettors or Assistants whomsoever, & also of the Goods, Debts & Chattels of whatsoever Person or Persons, Felons of themselves, by what means or howsoever coming to their Death within Our aforesaid Maritime Jurisdiction, wheresoever any such Goods, Debts & Chattles or any Parcel thereof by Sea, Water or Land in our said Province of Massachusetts Bay & Territories thereon dependent, & maritime Parts of

the same & thereto adjacent, whatsoever, as well within Liberties & Franchises as without, have been or shall be found forfeited, or to be forfeited, or in being, & Moreover as well of the Goods, Debts & Chattels of whatsoever other Traitors, Felons & Manslayers wheresoever offending, & of the Goods, Debts & Chattels of their Maintainors, Accessories, Councellors, Abettors or Assistants, as of the Goods, Debts & Chattels of all Fugitives, Persons convicted, attainted, condemned, Outlawed or howsoever put or to be put in exigent for Treason, Felony, Manslaughter or Murder, or any other Offence or Crime whatsoever, & also Concerning Goods waving, Flotson, Jetson, Lagon, Shares & Treasure found, or to be found deodands & of the Goods of all others whatsoever taken or to be taken, as derelict or by chance found, or to be found, or howsoever due or to be due, & of all other Casualties as well in, upon or by the Sea, & Shores, Creeks or Coasts of the Sea, or Maritime Parts, as in, upon or by all fresh Waters, Ports, publick Streams, Rivers or Creeks or Places overflown whatsoever, within the Ebbing & Flowing of the Sea, or high Water, or upon the Shores or Banks of any of the same within Our Maritime Jurisdiction aforesaid howsoever, whensoever, or by what Means soever arising, happening or proceeding, or wheresoever such Goods, Debts & Chattels or other the Premisses or any Parcel thereof, may or shall happen to be met with, or found within Our Maritime Jurisdiction aforesaid, And also Concerning Anchorage, Lastage & Ballast of Ships & of Fishes Royal, namely, Sturgeons, Whales, Porpoises, Dolphins, Riggs & Grampuses, & generally of all other Fishes whatsoever which are of a great or very large Bulk, or Fatness, anciently by right or Custom, or any way appertaining or belonging to Us, & to Ask, require, levy, take, collect, receive & obtain, & to the Use of Us & the Office of Our High Admiral of Great Britain aforesaid for the Time being, to keep & preserve the s^d^ wreck of the Sea, & the Goods,

Debts & Chattels & all & singular, other the Premisses together with all & all manner of Fines, Mulcts, Issues, Forfeitures, Amerciaments, Ransomes, & Recognizances whatsoever forfeited or to be forfeited, & pecuniary Punishments for Trespasses, Crimes, Injuries, Extortions, Contempts & other Misdemeanours whatsoever, howsoever imposed or inflicted or to be imposed or inflicted for any Matter, Cause or Thing whatsoever, in our said Province of Massachusetts Bay & Territories thereunto belonging, & Maritime Parts of the same, & thereto adjoining, in any Court of Our Admiralty there held or to be held, presented or to be presented, assessed, brought, forfeited or adjudged & also all Amerciaments, Issues, Fines, Perquisites, Mulcts & pecuniary Punishments whatsoever, & Forfietures of all manner of Recognizances, before you, or your Lieutenant, Deputy or Deputies in Our said Province of Massachusetts Bay & Territories thereunto belonging & Maritime Parts of the same & thereto adjacent, whatsoever, happening or imposed or to be imposed or inflicted, or by any Means assessed, presented, forfeited or adjudged, or howsoever by reason of the Premisses due or to be due in that behalf, to Us or Our heirs or Successors, & further to take all manner of Recognizances, Cautions, Obligations & Stipulations, as well to our Use, as at the Instance of any Parties for Agreements or Debts, & other Causes whatsoever, & to put the same in Execution, & to cause & command them to be executed, & also to arrest & cause & command to be Arrested, According to the several Maritime Laws & ancient Customs of Our said Court, all Ships, Persons, Things, Goods, Wares & Merchandizes for the Premisses & every of them, & for other Causes whatsoever, concerning the same, wheresoever they shall be met with, or found throughout our said Province of Massachusetts Bay & Territories thereunto belonging, & Maritime parts thereof & thereto adjoining within Liberties & Franchises, or without, & likewise for all other Agree-

ments, Causes or Debts howsoever contracted or arising, so that the Goods or Persons of the Debtors may be found within Our Jurisdiction aforesaid, & to hear, examine, discuss & finally determine the same with their Emergencies, Dependancies, Incidents, annexed & connexed Causes & Businesses whatsoever, together with all other Causes Civil & Maritime, & Complaints Contracts & all & every the respective Premisses whatsoever above expressed according to the Laws & Customs aforesaid, & by all other lawful ways, means & methods according to the best of your Skill & Knowledge, and to compel all manner of Persons in that behalf as the Case shall require, to appear & to answer, with Power of using any Temporal Coertion, & of inflicting any other Penalty or Mulct, according to the Laws & Customs aforesaid, & to do & minister Justice, according to the Right, Order & Course of the Law, summarily & plainly, looking only into the Truth of the Fact, & to fine, correct, punish, chastize & reform, & imprison, & cause & command to be imprisoned in any Goals being within Our Province of Massachusetts Bay aforesaid & Territories thereunto belonging the Parties guilty, & the Contemnors of the Law & Jurisdiction of Our Admiralty afores[d] & Violaters, Usurpers, Delinquents & Contumacious Absenters, Masters of Ships, Mariners Rovers,[1] Fishermen, Shipwrights & other Workmen & Artificers whatsoever, exercising any kind of Maritime Affairs, according to the Rights, Statutes, Laws, Ordinances & Customs anciently observed & to deliver & absolutely discharge & cause, & command to be discharged, whatsoever Persons imprisoned in such Cases, who are to be delivered, & to preserve & cause to be preserved the publick Streams, Ports, Rivers, fresh Waters & Creeks whatsoever, within Our Maritime Jurisdiction aforesaid in what Place so ever, they be, in Our said Province of Massachusetts Bay & Territories

[1] *Sic:* Rowers.

thereunto belonging & Maritime parts of the same, & thereto adjacent whatsoever, as well for the Preservation of Our Navy Royal & of the Fleets & Vessels of Our Kingdoms & Dominions aforesaid, as of whatsoever Fishes increasing in the Rivers & Places afores^d^ & also to keep & cause to be executed & kept in Our said Province of Mass^a^ Bay & Territories thereunto belonging & maritime Parts thereof & thereto adjacent whatsoever, the Rights, Statutes, Laws, Ordinances & Customs anciently observed, & to do, exercise, expedite & execute all & singular other Things in the Premisses, & every of them, as they by right & according to the Laws & Statutes, Ordinances & Customs aforesaid should be done, And Moreover to reform Nets too close & other unlawful Engines or Instruments whatsoever for the catching of Fishes wheresoever by Sea or publick Streams, Ports, Rivers, fresh Waters or Creeks whatsoever throughout Our Province of Massachusetts Bay afores^d^ & Territories dependent thereon & Maritime parts of the same & thereto adjacent, used or exercised by Water within Our Maritime Jurisdiction afores^d^ wheresoever, & to punish & correct the Exercisers & Occupiers thereof according to the Statutes, Laws, Ordinances & Customs afores^d^ and to pronounce, promulge & interpose all manner of Sentences & Decrees, & to put the same in Execution, with Cognizance & Jurisdiction of whatsoever other Causes Civil & maritime which relate to the Sea, or which any Manner of Ways respect or concern the Sea, or Passage over the Same, or Naval or Maritime Voyages, or Our said Maritime Jurisdiction, or the Places or Limits of Our said Admiralty, & Cognizance aforementioned, & all other Things done or to be done, with Power also to proceed in the same, according to the Statutes, Laws, Ordinances & Customs aforesaid, anciently used, as well of meer Office mixt or promoted, as at the Instance of any Party, as the Case shall require & seem convenient, & likewise

Recognizance & Decision of wreck of the Sea, great or small, & of the Death, drowning & Veiw of dead Bodies of all Persons howsoever killed or drowned or murthered, or that shall happen to be killed, drowned or murthered or by any other means come to their Death in the Sea or publick Streams, Ports, fresh Waters or Creeks whatsoever, within the flowing of the Sea, & high Water Mark, throughout our afores^d Province of Massachusetts Bay & Territories thereunto belonging & maritime Parts of the same & thereto adjacent or elsewhere within Our Maritime Jurisdiction afores^d Together with the Cognizance of Mayhem in the afores^d Places within Our Maritime Jurisdiction afores^d & flowing of the Sea & Water there happening, with Power also of punishing all Delinquents in that kind according to the Exigencies of the Laws & Customs afores^d & to do, exercise, expedite & execute all & singular other Things which in & about the Premisses only, shall be necessary or thought meet according to the Rights, Statutes, Laws, Ordinances & Customs afores^d with Power of deputing & surrogating in your Place for the Premisses, One or more Deputy or Deputies, as often as you shall think fit, & also with Power from Time to Time of naming, appointing, ordaining, assigning, making & constituting whatsoever other Necessary, fit & convenient Officers & Ministers, under you for the s^d Office & Execution thereof in Our s^d Province of Mass^a Bay & Territories thereunto belonging, & maritime Parts of the same & thereto adjacent whatsoever, Saving always the Right of Our High Court of Admiralty of England & also of the Judge & Register of the s^d Court from whom or either of them it is not Our Intention in any thing to derogate by these Presents, & saving to Every One who shall be wronged or grieved by any definitive Sentence or Interlocutory Decree, which shall be given in the Vice-Admiralty Court of Our Province of Mass^a Bay afores^d & Territories thereunto belonging, the Right of appealing to Our afores^d High Court

of Admiralty of England; Provided Nevertheless & under this express Condition, that if you the afores^d William Shirley Esqr Our Captain General & Governour in Chief afores^d shall not yearly viz, at the End of every Year between the Feast of St Michael the Archangel & all Saints duely certify & cause to be effectually certified, if you shall be thereunto required, to Us & Our Lieutenant Official, Principal & Commissary General & special & Judge & President of the High Court of Our Admiralty of England afores^d all that which from Time to Time by Virtue of these Presents you shall do, execute, collect or receive in the Premisses or any of them, together with your full & faithful Account thereupon to be made in Authentick Form & Sealed with the Seal of our Office, remaining in your Custody, that from thence & after Default therein these Our Letters Patent of the Office of Vice Admiral afores^d as above granted, shall be null & void & of no Force or Effect; Further we do in Our Name command all & singular Our Governours, Justices, Mayors, Sheriffs, Captains, Marshalls, Bailiffs, Keepers of all our Goals & Prisons, Constables & all other Our Officers & faithful & liege Subjects whatsoever & every of them as well within Liberties & Franchises as without, that in & about the Execution of the Premisses & every of them, they be Aiding, favouring, Assisting, submissive & yield Obedience in all Things as tis fitting to you the aforesaid William Shirley Esqr Our Captain General & Governour in Chief of our Province of the Massachusetts Bay afores^d & to your Deputy whomsoever & to all other Officers by you appointed or to be appointed, of Our said Vice-Admiralty in Our Province of Massachusetts Bay afores^d & Territories thereunto belonging & maritime Parts of the same & thereto adjoining, under Pain of the Law & the Peril which will fall thereon. Given at London in the high Court of Our Admiralty of England aforesaid under the Great Seal thereof, the Twenty first day of August in the Year of Our Lord

One thousand Seven hundred & forty one & of our Reign the fifteenth.

SAM[r] HILL Register

The Great Seal of the High
Court of Admiralty appending
Ex[d] Examined p J. WILLARD Secry

—— *Crown Commissions, 1628–1663, pp. 40–45.*

THOMAS POWNALL'S COMMISSION

AS

VICE-ADMIRAL OF THE PROVINCE OF THE MASSACHUSETTS BAY

28 February, 1757

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith To our beloved Thomas Pownall Esquire Our Captain General and Governor in Chief of Our Province of Massachusetts Bay in New England *Greeting*

We confiding very much in your Fidelity care and circumspection in this behalf do by these Presents which are to continue during Our Pleasure only ordain constitute and depute You the said **Thomas Pownall** Esquire Our Captain General and Governor in Chief aforesaid Our Vice Admiral Commissary and Deputy in the office of Vice Admiralty in Our Province of Massachusetts Bay in New England aforesaid and Territories thereon depending and in the Maritime parts of the same and thereto adjoining whatsoever with power of taking and receiving all and every the Fees Profits Advantages Emoluments Commodities & Appurtenances whatsoever due and belonging to the said Office of Vice Admiral Commissary and deputy in our said Province of Massachusetts Bay in New England and Territories dependant thereon and Maritime parts of the same and adjoining to them whatsoever according to the Ordinances and Stat-

utes of Our High Court of Admiralty of England And We do hereby commit and Grant unto You the aforesaid Thomas Pownall Esquire Our Power and authority in and throughout Our Province of Massachusetts Bay in New England aforementioned and Territories thereof and Maritime Parts whatsoever adjacent thereto and also throughout all and every the Sea Shores publick Streams ports fresh Waters, Rivers Creeks and Arms as well of the Sea as of the Rivers and Coasts whatsoever of Our said Province of the Massachusetts Bay in New England and Territories dependant thereon and Maritime parts whatsoever of the same and thereto adjacent, as well within Liberties and Franchises as without, to take cognizance of and proceed in all causes Civil and Maritime and in Complaints Contracts Offences or suspected Offences, Crimes Pleas, Debts Exchanges, Accounts Charter Parties, Agreements Suits Trespasses Injuries Extortions and Demands and Businesses Civil and Maritime whatsoever commenced or to be commenced between Merchants or betwee[1] Owners and Proprietors of Ships and other Vessels and Merchants or others whomsoever with such Owners and Proprietors of Ships and all other Vessels whatsoever imployed or used within the Maritime Jurisdiction of Our Vice Admiralty of Our said Province of Massachusetts Bay in New England and Territories depending on the same or between any other Person whomsoever, had made began or contracted for any matter thing cause or business whatsoever done or to be done within Our Maritime Jurisdiction aforesaid together with all and singular their incidents Emergencies dependencies annexed and connexed Causes whatsoever, wheresoever or howsoever and such Causes Complaints Contracts and other the Premises aforesaid or any of them which may happen to arise, be contracted had or done To hear and determine according to the Rights Statutes Laws Ordinances and Customs antiently observed And Moreover

[1] *Sic.*

in all and singular Complaints Contracts Agreements Causes and Businesses Civil and Maritime to be performed beyond the Sea or contracted there, howsoever arising or happening, and also in all and singular other Causes and Matters which in any manner whatsoever touch or any way concern or antiently have and do or ought to belong unto the Maritime Jurisdiction of Our aforesaid Vice Admiralty in Our said Province of Massachusetts Bay in New England and Territories thereon depending and maritime parts thereof and to the same adjoining whatsoever and generally in all and singular other Causes, Suits, Crimes, Offences, Excesses, Injuries Complaints, Misdemeanors or suspected misdemeanors, Trespasses, Regratings Forestallings and Maritime Businesses whatsoever throughout the Places aforesaid within the Maritime Jurisdiction of Our Vice Admiralty of Our Province of Massachusetts Bay in New England aforesaid and Territories thereon depending by Sea or Water or the Banks or Shores of the same howsoever done committed perpetrated or happening And also to inquire by the Oath of honest and lawful Men of Our said Province of Massachusetts Bay in New England and Territories dependant thereon and Maritime parts of the same and adjoining to them whatsoever dwelling both within Liberties and Franchises and without as well of all and singular such matters and things which of right and by the Statutes Laws Ordinances and customs antiently observed were want[1] and ought to be inquired after as of Wreck of the Sea and of all and singular the Goods and Chattels of whatsoever Traitors, Pirates, Manslayors, and Felons howsoever offending within the Maritime Jurisdiction of Our Vice Admiralty of our Province of Massachusetts Bay in New England aforementioned and Territories thereunto belonging and of the Goods Chattles and Debts of all and singular their Maintainers Accessaries Councellors Abettors or Assistants whomsoever And also of the Goods Debts &

[1] *Sic:* wont.

Chattles of whatsoever Person or Persons Felons of themselves by what means or howsoever coming to their Death within Our aforesaid Maritime Jurisdiction wheresoever any such Goods Debts and Chattles or any parcell thereof by Sea Water or Land in Our said Province of Massachusetts Bay in New England and Territories thereon dependant and Maritime parts of the same and thereto adjacent whatsoever as well within Liberties and Franchises as without, have been or shall be found forfeited or to be forfeited or in being And Moreover as well of the Goods Debts and Chattles of whatsoever other Traitors Felons and Manslayors wheresoever offending and of the Goods Debts & Chattles of their Maintainers, Accessaries, Councellors Abettors or Assistants as of the Goods Debts and Chattles of all Fugitives Persons convicted attainted condemned outlawed or howsoever put or to be put in Exigent for Treason Felony Manslaughter, Murther, or any other Offence or Crime whatsoever and also concerning Goods waveing Flotzon Jetson Lagon Shares and Treasure found or to be found Deodands and of the Goods of all others whatsoever taken or to be taken as Derelict or by chance found or to be found or howsoever due or to be due and of all other Casualties as well in upon or by the Sea and Shores Creeks or Coasts of the Sea or Maritime parts as in upon or by all fresh Waters, ports publick Streams Rivers or Creeks or Places over flown whatsoever within the Ebbing & Flowing of the Sea or high Water or upon the Shores or Banks of any of the same within Our Maritime Jurisdiction aforesaid howsoever, wheresoever, or by what means soever, arising happening or proceeding or wheresoever such Goods Debts and Chattles or other the premises or any parcel thereof may or shall happen to be met with or found within Our Maritime Jurisdiction aforesaid And also concerning Anchorage Lastage and Ballast of Ships, and of Fishes Royal Namely Sturgeons, Whales, Porpusses, Dolphins, Riggs, and Grampusses and generally of all other Fishes whatsoever

which are of a great or very large bulk or fatness ancintly by right or custom or any way appertaining or belonging to Us and to ask, require, levy, take, collect, receive and obtain and to the use of us and the Office of Our high Admiral of Great Britain aforesaid for the time being to keep and preserve the said Wreck of the Sea and the Goods Debts & Chattles & all & singular other the Premises together with all and all manner of Fines Mulcts Issues Forfeitures, Amerciaments Ransoms and Cognizances whatsoever forfeited or to be forfeited and pecuniary Punishments for Trespasses, Crimes, Injuries, Extortions, Contempts and other Misdemeanors whatsoever howsoever imposed or inflicted or to be imposed or inflicted for any matter cause or thing whatsoever in Our said Province of Massachusetts Bay in New England and Territories thereunto belonging and Maritime parts of the same and thereto adjoining in any Court of Our Admiralty there held or to be held presented or to be presented, assessed brought forfeited or adjudged, and also all Amercements Issues Fines Perquisites Mulcts and pecuniary Punishments whatsoever and forfeifures[1] of all manner of Recognizances before you or your Lieutenant Deputy or Deputies in Our said Province of Massachusetts Bay in New England and Territories thereunto belonging and maritime parts of the same and thereto adjacent whatsoever hapining or imposed or to be imposed or inflicted or by any means assessed, presented, forfeited or adjudged or howsoever by reason of the premises due or to be due in that behalf to Us or Our Heairs and Successors, and further to take all manner of Recognizances Cautions Obligations and Stipulations as well to Our use as at the instance of any parties for agreements or debts and other Causes whatsoever and to put the same in Execution and to cause & command them to be executed, And also to arrest and cause & command to be arrested according to the Civil & Maritime Laws and ancient

[1] *Sic:* forfeitures.

Customs of Our said Court all Ships, Persons, Things, Goods, Wares and Merchandizes for the Premisses and every of them and for other causes whatsoever concerning the same wheresoever they shall be met with or found throughout Our said Province of Massachusetts Bay in New England and Territories thereunto belonging and maritime parts thereof and thereto adjoining within Liberties & Franchises or without and likewise for all other agreements Causes or Debts howsoever contracted or arising so that the Goods or persons of the Debtors may be found within Our Jurisdiction aforesaid And to hear examine discuss and finally determine the same with their Emergencies, Dependencies, Incidents annexed & connexed Causes and Businesses whatsoever together with all other Causes Civil and Maritime and Complaints Contracts and all and every the respective Premisses whatsoever above expressed according to the Laws and Customs aforesaid and by all other lawful Ways means & methods according to the best of Your Skill & Knowledge And to compel all manner of persons in that behalf as the Case shall require to appear & to answer with power of using any temporal Coertion and of inflicting any other penalty or Mulct according to the Laws and Customs aforesaid and to do and minister Justice according to the right order & course of the Laws Summarily & plainly looking only into the Truth of the Fact, and to fine correct, punish chastise & reform and imprison and cause & command to be imprisoned in any Goals being within Our Province of Massachusetts Bay in New England aforesaid and Territories thereunto belonging the parties guilty and the Contemnors of the Law and Jurisdiction of Our Admiralty aforesaid and Violators Userpors, Delinquents and contumacious Absentors, Masters of Ships, Mariners, Rowers, Fishermen, Shipwrights and other Workmen and Artificers whatsoever exercising any kind of maritime affairs according to the Rights, Statutes Laws Ordinances and Customs anciently Observed and to deliver

and absolutely discharge and cause & command to be discharged whatsoever Persons imprisoned in such Cases who are to be delivered And to preserve and cause to be preserved the publick Streams, ports Rivers Fresh Waters and Creeks whatsoever within Our Maritime Jurisdiction aforesaid in what Place soever they be in Our said Province of Massachusetts Bay in New England and Territories thereunto belonging & maritime parts of the same and thereto adjacent whatsoever, as well for the preservation of Our Navy Royal and of the Fleets and Vessels of Our Kingdoms and Dominions aforesaid as of whatsoever Fishes increasing in the Rivers and Places aforesaid and also to keep & cause to be executed & kept in Our said Province of Massachusetts Bay in New Eng^d and Territories thereunto belonging and maritime parts thereof & thereto adjacent whatsoever the Rights Statutes Laws Ordinances and Customs anciently observed, and to do, exercise, expedite & execute all & singular other things in the premisses and every of them as they by right, and according to the Laws and Statutes Ordinances & Customs aforesaid should be done And Moreover to reform Nets too close, and other lawful Engines or Instruments whatsoever for the Catching of Fishes wheresoever by Sea or publick Streams, Ports, Rivers fresh Waters or Creeks whatsoever throughout Our Province of Massachusetts Bay in New England aforesaid and Territories dependent thereon and maritime parts of the same and thereto adjacent used or exercised by Water, within Our Maritime Jurisdiction aforesaid wheresoever and to punish and correct the Exercisors and Occupiers thereof according to the Statutes Laws Ordinances and Customs aforesaid and to pronounce promulgate and interpose all manner of Sentences and Decrees and to put the same in Execution, with Cognizance and Jurisdiction of whatsoever other causes Civil and Maritime which relates to the Sea or which any manner of Ways respects or concerns the Sea or passage over the same, or Naval or mari-

time Voyages or Our said Maritime Jurisdiction or the Places or Limits of Our said Admiralty and Cognizance aforementioned and all other things done or to be done, with power also to proceed in the same according to the Statutes, Laws, Ordinances and Customs aforesaid anciently used, as well of meer Office mixt or promoted, as at the instance of any party as the case shall require and seem convenient and likewise with Cognizance and Decision of Wreck of the Sea great or small and of the Death Drowning and View of dead Bodies of all Persons howsoever killed or drowned or murthered or which shall happen to be killed drowned or murthered or by any other means come to their Death in the Sea or publick Streams, ports fresh Waters or Creeks whatsoever within the flowing of the Sea and high Warter[1] mark throughout our aforesaid Province of Massachusetts Bay in New England and Territories thereunto belonging and Maritime parts of the same and thereto adjacent or elsewhere within Our Maritime Jurisdiction aforesaid together with the Cognizance of Mahem in the aforesaid places within Our Maritime Jurisdiction aforesaid and flowing of the Sea and Water there hapning with power also of punishing all Delinquints in that kind according to the Exigences of the Law and Customs aforesaid and to do exercise expedite and execute all and singular other Things, which in and about the premisses only shall be necessary or thought meet, according to the Rights Statutes Laws Ordinances and Customs aforesaid with power of Deputing & Surrogating in your place for the premisses one or more Deputy or Deputies as often you shall think fit, and also with power from time to time of naming appointing, ordaining, assigning, making and constituting whatsoever other necessary fit and convenient Officers and Ministers under you for the said Office and execution thereof in Our said Province of Massachusetts Bay in New England and Territories thereunto be-

[1] *Sic.*

longing and maritime parts of the same and thereto adjacent whatsoever (saving always) the Right of Our high Court of Admiralty of England and also of the Judge and Register of the said Court, from whom or either of them, it is not Our Intention in any thing to derogate by these presents and saving to every one who shall be wronged or grieved by any definitive Sentence or Interlocutory decree which shall be given in the Vice Admiralty Court of Our Province of Massachusetts Bay in New England aforesaid and Territories thereunto belonging the Right of Appealing to Our aforesaid high Court of Admiralty of England Provided nevertheless and under this express Condition that if you the aforesaid Thomas Pownall Our Captain General and Governor in Chief aforesaid shall not yearly (to wit) at the end of every Year between the Feasts of Saint Michael the Archangel and All Saints duly certify and cause to be effectually certified (if you shall be thereunto required) to Us and Our Lieutenant Official principal and Commissary General and Special and Judge & President of the high Court of Our Admiralty of England aforesaid all that which from time to time by virtue of these Presents you shall do execute collect or receive in the premises or any of them, together with your full & faithfull account thereupon to be made in an Authentick Form and Sealed with the Seal of Our Office remaining in your Custody, that from thence and after default therein these Our Letters patent of the Office of Vice Admiral aforesaid as above granted, shall be null and void and of no force or Effect Further We do in Our Name command all and singular Our Governors, Justices, Mayors, Sheriffs, Captains, Marshals, Bayliffs, Keepers of all Our Goals and Prisons, Constables, & all other Our officers and faithfull and Liege Subjects whatsoever and every of them as well within Liberties and Franchises as without, That in and about the Execution of the premisses and every of them They be aiding, favouring, assisting Submissive and Yield Obedience in all

things as is fitting to you the aforesaid Thomas Pownall Our Captain General and Governor in Chief of Our Province of Massachusetts Bay in New England aforesaid and to your Deputy whomsoever and to all other officers by you appointed or to be appointed of Our said Vice Admiralty in our Province of Massachusetts Bay in New England aforesaid and Territories thereunto belonging and maritime parts of the same and thereto adjoining under pain of the Law and the peril which will fall thereon Given at London in the high Court of Our Admiralty of England aforesaid under the Great Seal thereof the Twenty eighth day of February in the Year of Our Lord One thousand seven hundred and fifty seven and of Our Reign the Thirtieth.

SAM^L HILL Register

The Great Seal of the High Court
of Admiralty appending.

—— *Crown Commissions, 1628–1663, pp. 155–160.*

FRANCIS BERNARD'S FIRST COMMISSION

AS

VICE-ADMIRAL OF THE PROVINCE OF THE MASSACHUSETTS BAY

12 February, 1760

George the Second by the Grace of God, of Great Britain, France and Ireland King Defender of the Faith. To our beloved Francis Bernard Esq̃ our Captain General and Governor in Cheif of Our Province of Massachusetts Bay in New England *Greeting*:

We confiding very much in your Fidelity, Care and Circumspection in this Behalf Do by these presents, which are to continue during our Pleasure only, Ordain, constitute and depute you the said **Francis Bernard** Esq̃ our Captain General & Governor in Cheif aforesaid, Our Vice Admiral, Commissary and Deputy in the Office of Vice Admiralty in Our Province of of[1] Massachusetts Bay in New England aforesaid and Territory's thereon depending (in the room of Thomas Pownall Esq̃ appointed Vice Admiral of South Carolina in America) and Territories thereon depending and in the maritime parts of the same and thereto adjoining whatsoever, with power of taking and receiving all and every the Fees, Profits, Advantages, Emoluments, Commodity's and Appurtenances whatsoever due and belonging to the said Office of Vice Admiral Commissary & Deputy and in our

[1] *Sic.*

Province of Massachusetts Bay in New England and Territory depending thereon & maritime parts of the same and adjoining to them whatsoever according to the Ordinances and Statutes of Our high Court of Admiralty of England. And We do hereby commit and grant unto you the aforesaid Francis Bernard Esqꝫ our Power and Authority in and throughout our Province of Massachusetts Bay in New England aforementioned and Territory's thereof and maritime parts whatsoever adjacent thereto and also throughout all and every the Sea Shores, Publick Streams, Ports, Fresh Waters, Rivers, Creeks and Arms as well of the Sea as of the Rivers and Coasts whatsoever of Our said Province of Massachusetts Bay in New England and Territory's dependant thereon and maritime Parts whatsoever of the same and thereto adjacent as well within Liberty's and Franchises as without. To take Cognizance of and proceed in all causes Civil and maritime and in Complaints, Contracts, Offences or suspected Offences Crimes Pleas, Debts, Exchanges, Accounts, Charter parties, Agreements, Suits, Trespasses, Injury's Extortions and Demands and Businesses Civil and maritime whatsoever commenced or to be commenced between merchants or between Owners and Proprietors of Ships and other Vessells and merchants or others whomsoever with such Owners and Proprietors of Ships and all other Vessells whatsoever employed or used within the maritime Jurisdiction of Our Vice Admiralty of our said Province of Massachusetts Bay in New England and Territory's depending on the Same or between any other Persons whomsoever had made, began or contracted for any Matter Thing or Business whatsoever done or to be done within our maritime Jurisdiction aforesaid together with all and singular their Incidents, Emergences Dependances annexed and connexed Causes whatsoever wheresoever or howsoever, and such Causes, Complaints, Contracts and other the Premises abovesaid or any of them, Which may happen to arise, be con-

tracted, had or done to hear & determine according to the rights, Statutes, Laws, Ordinances and Customs antiently Observed, And moreover in all and singular Complaints, Contracts, Agreements Causes Business Civil and Maritime to be performed beyond the Sea or contracted there, howsoever arising or hapning. And also in all and singular other Causes and matters which in any manner whatsoever touch or any Way concern or anciently have or do or ought to belong unto the maritime Jurisdiction of Our aforesaid Vice Admiralty in our said Province of Massachusetts Bay in New England and Territory's thereon depending and maritime Parts thereof and to the same adjoining whatsoever, and generally in all and singular other Causes, Suits, Crimes, offences, Excesses Injury's Complaints misdeameanours or suspected misdemeanours Trespasses, Regratings Forestallings and Maritime Businesses whatsoever throughout the Places aforesaid within the maritime Jurisdiction of Our Vice Admiralty of Our Province of Massachusetts Bay in New England aforesaid and Territory's thereon depending by Sea or Water or the Banks or Shores of the Same howsoever done, committed perpetrated or hapning, and also to inquire by the Oath of honest and lawful men of our said Province of Massachusetts Bay in New England and Territory's dependant thereon and maritime parts of the same and and[1] adjoining to them whatsoever dwelling both within Libertys and Franchises and without as well of all and singular such matters and Things which of right and by the Statutes Laws Ordinances and Customs antiently observed were wont and ought to be inquired after, as of Wreck of the Sea, and of all and singular the Goods and Chattels of whatsoever Traitors, Pirates, manslayors or Felons howsoever offending within the maritime Jurisdiction of Our Vice Admiralty of Our Province of Massachusetts Bay in New England aforementioned and Territory's thereunto belonging

[1] *Sic.*

and of the Goods, Chattels and Debts of all and singular their Maintainers, accessaries, Counsellors, abettors or assistants whomsoever and also of the Goods, Debts, and Chattels of whatsoever other Person or Persons Felons of themselves by what means or howsoever coming to their Death within our aforesaid maritime Jurisdiction wheresoever any such Goods Debts and Chattels or any part thereof by Sea, Water or Land in Our said Province of Massachusetts Bay in New England and Territory's thereon dependant and maritime parts of the Same and thereto adjacent whatsoever as well within Liberty's and Franchises as without have been or shall be found forfieted or to be forfieted or in being, And Moreover as well of the Goods, Debts and Chattels of whatsoever other Traitors, Felons and Manslayers wheresoever offending, and of the Goods Debts and Chattels of their maintainers, accessary's, Counsellors, Abettors or assistants as of the Goods Debts and Chattels of all Fugitives, Persons convicted, attained, condemned, out lawed or howsoever put or to be put in Exigent for Treason, Felony, manslaughter or murther or any other offence or Crime whatsoever & also concerning Goods waving Flotzon Jetzon, Lagon, Shares & Treasurer[1] found or to be found Deodands and of the Goods of all Others whatsoever taken or to betaken as Derelict or by chance found or to be found or howsoever due or to be due and of all other Casualty's as well in upon or by the Sea and Shores, Creeks or Coasts of the Sea or maritime parts, as in upon or by all Fresh Waters, Ports Publick Streams, Rivers or Creeks, or Places overflown whatsoever within the Ebbing and Flowing of the Sea or high Water or upon the Shores or Banks of any of the Same within Our maritime Jurisdiction aforesaid howsoever whensoever or by what means soever arising, hapning or proceeding or wheresoever such Goods, Debts and Chattels or other the Premises or any parcel thereof may or shall happen to be met with or found

[1] *Sic:* Treasures.

within Our maritime Jurisdiction aforesaid, and also concerning ancorage, Lastage and Ballast of Ships and of Fishes Royal, namely, Sturgeons, Whales, Porpusses, Dolphins, Riggs & Grampusses and generally of all other Fishes whatsoever which are of a great or very large Bulk or Fatness anciently by right or Custom or any Way appertaining or belonging to us And to ask, require levy take, collect, receive and obtain and to the use of us and of the Office of Our high Admiral of Great Britain aforesaid for the time being to keep & preserve the said Wreck of the Sea Goods Debts and Chattels and all and singular other the premises together with all and all manner of Fines, mulcts Issues Forfeitures Amerciaments, Ransoms and Recognizances, whatsoever forfeited or to be forfeited and pecuniary punishments for Trespasses Crimes, Injury's Extortions Contempts and other misdemeanours whatsoever howsoever imposed or inflicted or to be imposed or inflicted for any matter cause or thing whatsoever in Our said Province of Massachusetts Bay in New England and Territory's thereunto belonging and maritime parts of the same and thereto adjoyning in any Court of Our Admiralty there held or to be held, presented or to be presented, assessed brought, forfeited or adjudged. And also all amerciements Issues, Fines Perquisites, Mulcts & pecuniary punishments whatsoever, and Forfeitures of all manner of Recognizances before you or your Lieutenant, Deputy or Deputy's in Our said Province of Massachusetts Bay in New England and Territory's thereunto belonging and maritime parts of the same and thereto adjacent whatsoever hapning or imposed, or to be imposed or inflicted, or by any means assessed, presented forfeited or adjudged or howsoever by reason of the Premises due or to be due in that Behalf to Us our Heirs and Successors and further to take all manner of Recognizances, Cautions, Obligations and Stipulations as well to our use as at the Instance of any Party's for agreements & Debts and other Causes whatsoever

and to put the same in Execution and to cause & command them to be executed, and also to arrest and command to be arrested according to the Civil and maritime Laws and antient Customs of Our said Court all Ships, Persons, Things Goods Wares and Merchandizes for the premises and every of them and for other Causes whatsoever concerning the same, wheresoever they shall be met with or found throughout our said Province of Massachusetts Bay in New England and Territory's thereunto belonging and maritime parts thereof and thereto adjoining within Liberty's and Franchises or without and likewise for all other Agreements, Causes or Debts howsoever contracted or arising so that the Goods or Persons of the Debtors may be found within Our Jurisdiction aforesaid and to hear examine, discuss and finally determine the same with their Emergences, Dependences Incidents annexed and connexed Causes and Businesses whatsoever together with all other Causes, Civil and maritime and Complaints, Contracts and all and every the respective Premises whatsoever above expressed according to the Laws and Customs aforesaid and by all other lawful Ways, means and methods according to the best of your Skill and Knowledge, and to compel all manner of persons in that Behalf as the Case shall require to appear and to answer with power of using any temporal Coertion and of inflicting any other Penalty or mulct according to the Laws and Customs aforesaid and to do and administer Justice according to the right Order and Course of the Law, summarily and plainly looking into the truth of the Fact, and to Fine, correct Punish Chastize and reform & imprison & cause and command to be imprisoned in any Goals being within Our Province of Massachusetts Bay in New England aforesaid and Territory's thereunto belonging the Party's guilty and the Contemners of the Law and Jurisdiction of Our Admiralty aforesaid and Violaters usurpers, Delinquents and contumacious absenters, masters of Ships, mariners, Rowers,

Fishermen Shipwrights and other Workmen & Artificers whatsoever exercising any Kind of maritime affairs according to the Rights Statutes, Laws Ordinances and Customs antiently observed, and to deliver and absolutely discharge and cause and command to be discharged whatsoever Persons imprisoned in such Cases who are to be delivered, and to preserve and cause to be preserved, the Publick Streams, Ports, Rivers Fresh Waters and Creeks whatsoever within Our maritime Jurisdiction aforesaid in what place soever they be in Our said Province of Massachusetts Bay in New England and Territory's thereunto belonging and maritime parts of the same and thereto adjacent whatsoever as well for the Preservation of Our Navy Royal and of the Fleets and Vessells of Our Kingdoms and Dominions aforesaid as of whatsoever Fishes increasing in the Rivers and Places aforesaid And also to keep and cause to be executed and kept in Our said Province of Massachusetts Bay in New England and Territory's thereunto belonging and Maritime parts thereof and thereto adjacent whatsoever the Rights, Statutes, Laws, Ordinances and Customs antiently observed and to do, exercise, expedite and execute all and singular other Things in the Premises, and Every of them as they by right and according to Laws and Statutes Ordinances and Customs aforesaid should be done And moreover to reform nets too close and other unlawful Engines or Instruments whatsoever for the Catching of Fishes wheresoever by Sea or Publick Streams Ports, Rivers, Fresh Waters or Creeks whatsoever throughout Our Province of Massachusetts Bay in New England aforesaid and Territory's dependant thereon & maritime parts of the same & thereto adjacent used or exercised by Water within Our maritime Jurisdiction aforesaid wheresoever, and to punish and correct the Exercises and Occupiers thereof according to the Statutes, Laws Ordinances and Customs aforesaid, And to pronounce, promulge & interpose all manner of Sentences, & Decrees and to put

the same in Execution with Cognizance and Jurisdiction of Whatsoever other Causes Civil & maritime which relate to the Sea or which any manner of Ways respect or concern the Sea or Passage over the same or Naval or Maritime Voyages or our said maritime Jurisdiction or the Places or Limits of Our said Admiralty & Cognizance aforementioned and all other things done or to be done with Power also to proceed in the same according to the Statutes, Laws, Ordinances and Customs aforesaid anciently used, as well of meer Office mixt or promoted, as at the Instance of any party as the Case shall require and seem convenient and likewise with Cognizance & Decision of Wreck of the Sea great or small and of the Death, Drowning & Veiw of dead Body's of all Persons, howsoever killed or drowned or murthered, or which shall happen to be killed drowned or murthered or by any other means come to their Death in the Sea or publick Streams, Ports, Fresh-Waters or Creeks whatsoever within the Flowing of the Sea and high Water mark throughout our aforesaid Province of Massachusetts Bay in New England and Territory's thereunto belonging and maritime Parts of the same and thereto adjacent or elsewhere within our maritime Jurisdiction aforesaid together with the Cognizance of Mayhem in the aforesaid Places within Our maritime Jurisdiction aforesaid and Flowing of the Sea and water there hapning with power also of punishing all Delinquents in that Kind according to the Exigences of the Law and Customs aforesaid And to do, exercise, expedite and execute all and singular other Things which in and about the Premises only shall be necessary or thought meet according to the rights, Statutes, Laws, Ordinances and Customs aforesaid, with power of Deputing and surrogating in your place for the Premises one or more Deputy or Deputy's as often as you shall think fit, and also with power from Time to Time of naming appointing, ordaining, assigning, making and constituting whatsoever other necessary, fit, and convenient Offi-

cers and ministers under you for the said Office and execution thereof in Our said Province of Massachusetts Bay in New England and Territory's thereunto belonging and Maritime parts of the same and thereto adjacent whatsoever (saving always the right of Our high Court of Admiralty of England and also the Judge and Register of the said Court from whom or either of Them it is not Our Intention in any Thing to derogate by these Presents, and saving to every one who shall be wronged or greived by any Definitive Sentence or Interlocutory Decree Which shall be given in the Vice Admiralty Court of Our Province of Massachusetts Bay in New England aforesaid & Territory's thereunto belonging, the right of appealing to Our aforesaid high Court of Admiralty of England) Provided nevertheless and under this express Condition that if you the aforesaid Francis Bernard our Captain General & Governor in Cheif aforesaid shall not yearly, (to wit) at the End of every year between the Feasts of Saint Michael the Arch Angel and All Saints duly certify & cause effectually to be certified (if you shall be thereunto required) to Us and Our Lieutenant, official principal and Commissary General and Special and Judge and president of the high Court of Our Admiralty of England aforesaid all that which from time to time by Virtue of these presents, you shall do execute, collect or receive in the Premises or any of them together with your full and faithful account thereupon to be made in an authentick Form and Sealed with the Seal of Our Office remaining in your Custody, that from thence and after default therein these Our Letters Patent of the Office of Vice Admiral aforesaid as above granted shall be null & Void and of no Force or effect: Further We do in Our name command all and singular our Governors, Justices Mayors, Sheriffs, Captains, Marshalls, Bailiffs, Keepers of all Our Gaols and Prisons, Constables and all other Our Officers and faithful & leige Subjects whatsoever and every of them as well within Libertys and

Franchises as without that in and about the Execution of the Premises and every of them, They be aiding favouring assisting submissive and yeild obedience in all Things as is fitting to you the aforesaid Francis Bernard Esqr Our Captain General & Govr in Cheif of Our Province of Massachusetts Bay in New England aforesaid and to your Deputy whomsoever & to all other officers (by you appointed or to be appointed) of Our said Vice admiralty in Our Province of Massachusetts Bay in New England aforesaid and Territory's thereunto belonging and maritime Parts of the same & thereto adjoining under Pain of the Law & the Peril which will fall thereon Given at London in the high Court of Our Admiralty of England foresaid under the Great Seal thereof the twelfth day of February in the year of Our Lord one thousand seven hundred & Sixty & of Our Reign the Thirty third

GODF LEE FARRANT Register

The Great Seal of the high Court of Admiralty appending

—— *Crown Commissions, 1628–1663, pp. 185–193.*

FRANCIS BERNARD'S SECOND COMMISSION

AS

VICE-ADMIRAL OF THE PROVINCE OF THE MASSACHUSETTS BAY

18 May, 1761

George the Third by the Grace of God of Great Britain, France and Ireland King Defender of the Faith. To our beloved Francis Bernard Esquire Our Captain General and Governor in Chief of our Province of Massachusetts Bay in New England *Greeting*

we confiding very much in your fidelity care and circumspection in this behalf, do by these presents which are to continue during our Pleasure only ordain constitute and depute you the said **Francis Bernard** Esquire Our Captain General and Governor in Chief aforesaid Our Vice Admiral, Commissary and deputy in the Office of Vice Admiralty in our Province of Massachusetts Bay in New England aforesaid and Territories thereon depending and in the Maritime parts of the same and thereto Adjoining whatsoever — And the remainder of the Commission is of the same Tenor as that recorded in this Book from page 185 to page 193 Concluding as follows[1] — Given at London in the high Court of Admiralty of England aforesaid under the Great Seal thereof the eighteenth day of May in the Year of our Lord

[1] See pp. 257–266 *ante*.

One Thousand Seven hundred and Sixty one, And of Our Reign the first.

GODF LEE FARRANT Register

The Great Seal of the high Court of Admiralty Appending

Examined

A OLIVER Sec^y

—— *Crown Commissions, 1628–1663, p. 207.*

Province of Mass^a Bay
November 26, 1761

His Excellency Francis Bernard Esqr having published his Commissions from his present Majesty to be Captain General and Governor in Chief of his Province of Massachusetts Bay and Vice Admiral of the same took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, repeated and subscribed the Test or Declaration therein contained together with the Oath of Abjuration; and an Oath that He would do his utmost that all the Causes, Matters and Things contained in the Acts of Parliament passed as well since as before the enacting of the Act of the 7th and 8th of William the Third and at this time in Force relating to the Colonies and Plantations, and that all and every the Clauses contained in the said Act intitled An Act for preventing Frauds and regulating the Abuses in the Plantation Trade be punctually and bona fide observed according to the true intent and meaning thereof: and that He would faithfully perform the Duties of the Office of Captain General and Governor in Chief, and Vice Admiral of the Province aforesaid according to the best of his Judgment and Skill which Oaths were taken in the presence of the Council and House of Representatives — as also as the Royal Charter directs before

T: HUTCHINSON Lieu^t Govr

—— *Crown Commisssons, 1628–1663, pp. 207–208.*

THOMAS HUTCHINSON'S COMMISSION

AS

VICE-ADMIRAL OF THE PROVINCE OF THE MASSACHUSETTS BAY

4 JANUARY, 1771

COM^N TO T. HUTCHINSON ESQ^R TO BE VICE ADMIRAL OF MASS^A BAY

George the Third by the Grace of God of Great Britain, France and Ireland King defender of the Faith.

To our beloved THOMAS HUTCHINSON Esquire our Captain General and Governor in Chief of our Province of Massachusetts Bay in America *Greeting*;

We confiding very much in your fidelity, care & circumspection in this behalf, do by these presents which are to continue during our pleasure only, Ordain, Constitute and depute you the said **Thomas Hutchinson** Esqr our Captain General and Governor in Chief aforesaid, our Vice Admiral, Commissary and Deputy in the office of Vice Admiralty in our Province of Massachusetts Bay in America aforesaid and Territories thereon depending in the room of Sir Francis Bernard Baronet, and in the maritime parts of the same and thereto adjoining whatsoever, with power of taking and receiving all and every the Fees, profits advantages, emoluments, Commodities and appurtenances whatsoever due and belonging to the said Office of Vice Admiral, Commissary and Deputy in our said Province of Massachusetts Bay in America and Territories dependant thereon & maritime parts

of the same and adjoining to them whatsoever according to the Ordinances and Statutes of our high Court of Admiralty of England; And we do hereby commit and grant unto you the aforesaid Thomas Hutchinson Esqr our power and authority in and throughout our Province of Massachusetts Bay in America aforementioned and Territories thereof and maritime parts whatsoever adjacent thereto, and also throughout all and every the Shores, Public Streams, Ports, fresh Waters, Rivers, Creeks and Arms as well of the Sea as of the Rivers and Coasts whatsoever of our said Province of Massachusetts Bay in America and Territories dependant thereon and maritime parts whatsoever of the same and thereto adjacent as well within Liberties and Franchises as without to take Cognizance of and proceed in all Causes Civil and Maritime and in Complaints, Contracts, Offences or suspected offences, Crimes, pleas, Debts, exchanges, accounts, Charter parties, Agreements, Suits, Trespasses, Injuries, extortions and demands and businesses Civil and maritime whatsoever commenced or to be commenced between Merchants, or between Owners and Proprietors of Ships and other Vessels and Merchants or others whomsoever with such owners and Proprietors of Ships and all other Vessels whatsoever imployed or used within the maritime Jurisdiction of our Vice Admiralty of our said Province of Massachusetts Bay in America and Territories depending on the same or between any other Persons whomsoever, had, made, begun or contracted for any matter, thing, cause or business whatsoever done or to be done within our Maritime Jurisdiction aforesaid, together with all and singular their Incidents Emergencies dependencies annexed and connexed, Causes whatsoever, wheresoever or howsoever, and such Causes, Complaints, Contracts and other the premises abovesaid or any of them which may happen to arise, be contracted had or done, to hear and determine according to the Rights, Statutes, Laws, Ordinances & Customs anciently observed.

And moreover in all and singular Complaints, Contracts, Agreements, Causes and Businesses Civil and Maritime to be performed beyond the Sea or contracted there howsoever arising or happening and also in all and singular other Causes & matters which in any manner whatsoever touch or any way concern or anciently have and do or ought to belong unto the Maritime Jurisdiction of our aforesaid Vice Admiralty in our said Province of Massachusetts Bay in America and Territories depending thereon and Maritime parts thereof and to the same adjoining whatsoever and generally in all and singular all other Causes, Suits, Crimes, Offences, Excesses Injuries, Complaints, misdemeanours or suspected misdemeanours, Trespasses, Regratings, Forestallings and Maritime Businesses whatsoever throughout the places aforesaid within the Maritime Jurisdiction of our Vice Admiralty of our Province of Massachusetts Bay in America aforesaid and Territories thereon depending by Sea or water or the Banks or Shores of the same howsoever done, committed, perpetrated or happening, and also to enquire by the Oaths of honest and lawful men of our said Province of Massachusetts Bay in America and Territories dependant thereon and Maritime parts of the same and adjoining to them whatsoever dwelling both within Liberties and Franchises and without as well of all & singular such matters and things which of right and by the Statutes, Laws, Ordinances and Customs anciently observed were wont and ought to be inquired after as of Wreck of the Sea and of all and singular the Goods and Chattels of whatsoever Traitors, Pirates, Manslayers and Felons howsoever offending within the Maritime Jurisdiction of our Vice Admiralty of our Province of Massachusetts Bay in America aforementioned and Territories thereunto belonging and of the Goods, Chattels and Debts of all and singular their maintainers, accessaries, Councellors, abettors or assistants whomsoever and also of the Goods, Debts and Chattels of whatsoever person or persons,

Felons of themselves by what means or howsoever coming to their Death within our aforesaid Maritime Jurisdiction wheresoever any such Goods, debts & Chattels or any parcel thereof by Sea, Water, or Land in our said Province of Massachusetts Bay in America aforementioned and Territories thereon dependant and maritime parts of the same and thereto adjacent whatsoever as well within Liberties and Franchises as without, have been or shall be found forfeited or to be forfeited or in being. And moreover as well of the Goods, Debts and Chattels of whatsoever Traitors Felons and Manslayers wheresoever offending and of the Goods, Debts and Chattels of their maintainers, accessaries, Counsellors, abettors or assistants as of the Goods, Debts and Chattels of all Fugitives, Persons Convicted, attainted, condemned, outlawed or howsoever put or to be put in exigent for Treason, Felony, Manslaughter or Murder or any other offence or Crime whatsoever, and also concerning Goods waving Flotzen Jetzon Lagon Shares and Treasure found or to be found Deodands and of the Goods of all others whatsoever taken or to be taken as Derelict or by chance found or to be found or howsoever due or to be due, and of all other Casualty's as well in, upon or by the Sea and Shores, Creeks or Coasts of the Sea or Maritime parts as in upon or by all Fresh waters, Ports, public Streams, Rivers or Creeks or places overflown whatsoever within the ebbing and flowing of the Sea or high water or upon the Shores or Banks of any of the same within our Maritime Jurisdiction aforesaid howsoever whensoever or by what means soever arising happening or proceeding or wheresoever such Goods Debts & Chattels or other the premises or any parcel thereof may or shall happen to be met with or found within our Maritime Jurisdiction aforesaid and also concerning Anchorage, Lastage and Ballast of Ships and of Fishes Royal, namely, Sturgeons, Whales, Porpusses, Dolphins, Riggs and Crampusses[1]

[1] *Sic.*

and generally of all other Fishes whatsoever which are of a great or very large bulk or fatness anciently by right or custom, or any appertaining or belonging to us, And to ask, require, levy take, collect receive and obtain and to the use of us and the office of our high Admiral of Great Britain aforesaid for the time being to keep and preserve the said Wreck of the Sea and the Goods, Debts and Chattels and all and singular other the premises, together with all and all manner of Fines, Mulcts, Issues, forfeitures, amerciaments, Ransoms and Recognizances whatsoever forfeited or to be forfeited and pecuniary punishments for Trespasses, Crimes, Injuries, Extortions, contempts and other misdemeanors whatsoever howsoever imposed or inflicted or to be imposed or inflicted for any matter Cause or thing whatsoever in our said Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts of the same and thereto adjoining in any Court of our Admiralty there held or to be held presented, or to be presented assessed brought forfeited or adjudged and also all amerciaments, Issues, Fines, perquisites, mulcts and pecuniary punishments whatsoever and forfeitures of all manner of Recognizances before you or your Lieutenant, Deputy or Deputys in our said Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts of the same and thereto adjacent whatsoever, happening or imposed or to be imposed or inflicted or by any means assessed, presented, forfeited or adjudged or howsoever by reason of the premises due or to be due in that behalf to us or our Heirs and Successors. And further to take all manner of recognizances, Cautions, obligations and Stipulations as well to our use as at the instance of any parties for agreements or Debts and other Causes whatsoever and to put the same into execution and to cause and command them to be executed. And also to Arrest and Cause & Command to be Arrested according to the Civil & Maritime Laws and ancient Customs of our

said Court all Ships, Persons, things, Goods, Wares and Merchandizes for the premises and every of them and for other Causes whatsoever concerning the same wheresoever they shall be met with or found throughout our said Province of Massachusetts Bay in America and Territories thereunto belonging and Maritime parts thereof and thereto adjoining within Liberties and Franchises as without and likewise for all other agreements, Causes or Debts howsoever contracted or arising so that the Goods of the persons of the Debtors may be found within our Jurisdiction aforesaid, and to hear, examine, discuss and finally determine the same with their Emergencies, dependencies, Incidents annexed and connexed Causes and Businesses whatsoever together with all other Causes, Civil & Maritime and Complaints, Contracts and all and every the respective premises whatsoever above expressed according to the Laws and Customs aforesaid and by all other lawful ways means and methods according to the best of your skill and Knowlege, and to compel all manner of Persons in that behalf as the Case shall require to appear and to answer with power of using any temporal Coertion and of inflicting any other penalty or mulct according to the Laws and Customs aforesaid and to do and minister Justice according to the right order and course of the Law summarily and plainly looking only into the truth of the Fact, and to Fine, Correct, punish, chastize and reform and imprison and cause and command to be imprisoned in any Goals being within our Province of Massachusetts Bay in America aforesaid and Territories thereunto belonging the parties guilty and the contemners of the Law and the Jurisdiction of our Admiralty aforesaid and violaters, usurpers, delinquents and contumacious absenters, masters of Ships, mariners, Rowers Fishermen, Shipwrights and other Workmen and artifices[1] whatsoever exercising any kind of maritime affairs according to the Rights Statutes, Laws, Ordinances

[1] *Sic:* artificers.

and Customs anciently observed and to deliver and absolutely discharge and cause and command to be discharged whatsoever persons imprisoned in such cases who are to be delivered and to preserve and cause to be preserved the Public Streams, Ports, Rivers, fresh waters and Creeks whatsoever within our Maritime Jurisdiction aforesaid in whatsoever place they be in our Province of Massachusetts Bay in America aforesaid and Territories thereunto belonging and maritime parts of the same and thereto adjacent whatsoever as well for the preservation of our Navy Royal and of the Fleets and Vessels of our Kingdoms and Dominions aforesaid of whatsoever Fishes increasing in the Rivers and places aforesaid and also to keep and cause to be executed and kept in our Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts thereof and thereto adjacent whatsoever the Rights, Statutes Laws, Ordinances and Customs anciently observed and to do exercise, expedite and execute all & singular other things in the premises and every of them as they by right and according to the Laws & Statutes, Ordinances and Customs aforesaid should be done and moreover to reform nets too close and other unlawful Engines or Instruments whatsoever for the catching of Fishes wheresoever by Sea or public Streams, Ports, Rivers, Fresh waters or Creeks whatsoever throughout or[1] Province of Massachusetts Bay in America aforesaid and Territories dependant thereon and maritime parts of the same and thereto adjacent used or exercised by Water within our Maritime Jurisdiction aforesaid wheresoever and to punish and correct the exercisers and occupiers thereof according to the Statutes, Laws, Ordinances and Customs aforesaid, and to pronounce, promulge & interpose all manner of Sentences & Decrees and to put the same in Execution with cognizance and Jurisdiction of whatsoever other Causes Civil and Maritime which relate to the Sea or which any manner or

[1] *Sic:* our.

ways respect or concern the Sea or passage over the same or Naval or maritime Voyages or our said maritime Jurisdiction or the places or limits of our said Admiralty and Cognizance aforementioned and all other things done or to be done, with power also to proceed in the same according to the Statutes, Laws, Ordinances and Customs aforesaid anciently used as well of meer office mixt or promoted as at the instance of any party as the case shall require and seem convenient and likewise with Cognizance and decision of Wreck of the Sea great or small, and of the death, drowning and view of dead Bodies of all Persons howsoever killed or drowned or murthered or which shall happen to be killed drowned or murthered or by any other means come to their death in the Sea or public Streams, Ports, Fresh waters or Creeks whatsoever within the flowing of the Sea & high water mark throughout our aforesaid Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts of the same and thereto adjacent or elsewhere within our maritime Jurisdiction aforesaid together with the Cognizance of Mayhem in the aforesaid places within our maritime Jurisdiction aforesaid and flowing of the Sea and water there happening with power also of punishing all delinquents in that kind according to the exigencies of the Law and Customs aforesaid And to do exercise, expedite and execute all and singular other things which in and about the premises only shall be necessary or thought meet according to the Rights, Statutes, Laws, Ordinances and Customs aforesaid with power of deputing & Surrogating in your place for the premises one or more Deputy or Deputies as often as you shall think fit And also with power from time to time of naming, appointing ordaining, assigning making and constituting whatsoever other necessary fit & convenient officers and ministers under you for the said office and execution thereof in our said Province of Massachusetts Bay in America and Territories thereunto belonging and

maritime parts of the same and thereto adjacent whatsoever Saving always the Right of our high Court of Admiralty of England and also of the Judge and Registrar of the said Court from whom or either of them it is not our intention in any thing to derogate by these presents and saving to every one who shall be wronged or grieved by any definite Sentence or Interlocutory Decree which shall be given in the Vice Admiralty Court of our Province of Massachusetts Bay in America aforesaid and Territories thereunto belonging the right of appealing to our aforesaid high Court of Admiralty of England Provided nevertheless and under this express condition that if you the aforesaid Thomas Hutchinson Esquire our Captain General and Governor in Chief aforesaid shall not yearly (to wit) at the end of every year between the Feasts of St Michael the Archangel and all Saints duly certify and cause to be effectually certified, if you shall be thereunto required, to us and our Lieutenant official principal and Commissary General and special and Judge and President of the high Court of our Admiralty of England aforesaid all that which from time to time by virtue of these presents you shall do execute, collect or receive in the premises or any of them, together with your full and faithful account thereupon to be made in an authentic form and Sealed with the Seal of our office remaining in your Custody that from thence and after default therein these our Letters Patent of the office of Vice Admiral aforesaid as above granted shall be null and void and of no force or effect — Further We do in our name Command all and singular our Governors, Justices, Mayors, Sheriffs, Captains, Marshalls, Bailiffs, Keepers of all our Goals and Prisons, Constables and all other our officers and faithful and liege Subjects whatsoever and every of them as well within Liberties and Franchises as without that in & about the execution of the premises and every of them they be aiding, favouring, assisting submissive and yield obedience in all things as is fitting to you the

aforesaid Thomas Hutchinson Esqr our Captain General and Governor in Chief of our Province of Massachusetts Bay in America aforesaid and to your Deputy whomsoever and to all other officers (by you appointed or to be appointed) of our said Vice Admiralty in our Province of Massachusetts Bay in America aforesaid and Territories thereunto belonging & Maritime parts of the same and thereto adjoining under pain of the Law and the peril which will fall thereon. Given at London in the high Court of our admiralty of England aforesaid under the Great Seal thereof the fourth day of January in the year of our Lord One thousand seven hundred and seventy one and of our Reign the Eleventh.

GODF: LEE FARRANT Registrar

Great Seal of the high Court of admiralty appending }

Exam^d p In^o Cotton D. Secry

—— *Crown Commissions, 1677–1774, pp. 126–132.*

THOMAS GAGE'S COMMISSION

AS

VICE-ADMIRAL OF THE PROVINCE OF THE MASSACHUSETTS BAY

5 April, 1774

George the Third by the Grace of God of Great Britain, France and Ireland King defender of the Faith. To our beloved the hon^ble^ Thomas Gage Esquire Lieutenant General of our Forces and our Captain General and Governor in Chief of our Province of Massachusetts Bay in America *Greeting.*

We confiding very much in your fidelity care and circumspection in this behalf do by these presents which are to continue during our pleasure only, ordain, constitute and depute you the said **Thomas Gage** Esquire our Captain General and Governor in Chief aforesaid, our Vice Admiral Commissary and Deputy in the office of Vice Admiralty in our Province of Massachusetts Bay in America aforesaid and Territories thereon depending in the room of Thomas Hutchinson Esqr and in the Maritime parts of the same and thereto adjoining whatsoever with power of taking and receiving all and every of the Fees, profits, advantages, emoluments Commodities and appurtenances whatsoever due and belonging to the said office of Vice Admiral, Commissary and Deputy in our said Province of Massachusetts Bay in America and Territories dependant thereon and maritime parts

of the same and adjoining to them whatsoever according to the Ordinances and Statutes of our high Court of Admiralty of England and We do hereby commit and grant unto you the aforesaid Thomas Gage Esquire our power and authority in and throughout our Province of Mass^a Bay in America aforementioned and Territories thereof and maritime parts whatsoever adjacent thereto and also throughout all and every the Sea shores, public streams, Ports, fresh waters, Rivers, Creeks and Arms as well of the sea as of the Rivers and Coasts whatsoever of our said Province of Massachusetts Bay in America and Territories dependant thereon & maritime parts whatsoever of the same and thereto adjacent as well within liberties and franchises as without to take cognizance of and proceed in all causes Civil & Maritime and in Complaints, Contracts, offences or suspected offences, Crimes, pleas, debts, Exchanges, accounts, Charter parties, agreements, Suits, trespasses, injuries, extortions and demands and businesses Civil and Maritime whatsoever commenced or to be commenced between Merchants or between owners and proprietors of Ships and other Vessels and Merchants or others whomsoever with such owners and proprietors of Ships and all other Vessels whatsoever employed or used within the maritime Jurisdiction of our Vice Admiralty of our said Province of Massachusetts Bay in America aforementioned and Territories depending on the same or between any other persons whomsoever had, made began or contracted for any matter, thing, cause or business whatsoever done or to be done within our maritime Jurisdiction aforesaid, together with all and singular the incidents, emergencies, dependencies annexed and connexed causes whatsoever wheresoever or howsoever and such Causes, Complaints, Contracts and other the premises abovesaid or any of them which may happen to arise be contracted had or done to hear and determine according to the Rights Statutes, Laws Ordinances and Customs anciently observed and moreover

in all and singular complaints, contracts, agreements, causes and businesses civil and maritime to be performed beyond the Sea or contracted there howsoever arising happening and also in all and singular other Causes and matters which in any matter whatsoever touch or any way concern or anciently have & do or ought to belong unto the Maritime Jurisdiction of our aforesaid Vice Admiralty in our said Province of Massachusetts Bay in America and Territories thereon depending and Maritime parts thereof and to the same adjoining whatsoever and generally in all and singular other Causes, Suits, Crimes, offences, Excesses, injuries, complaints, misdemeanors or suspected misdemeanors Trespasses, regratings, forestallings and Maritime businesses whatsoever throughout the places aforesaid within the maritime Jurisdiction of our Vice Admiralty of our Province of Massachusetts Bay in America aforesaid and Territories thereon depending by Sea or water or the Banks or Shores of the same howsoever done, committed, perpetrated or happening And also to enquire by the Oath of honest and lawful Men of our said Province of Massachusetts Bay in America and Territories dependant thereon & maritime parts of the same and adjoining to them whatsoever dwelling hath within liberties and franchises and without as well of all and singular such matters and things which of right and by the Statutes Laws and Ordinances and customs anciently observed were wont and ought to be enquired after as of Wreck of the Sea and of all and singular the Goods and Chattels of whatsoever Traitors Pirates, manslayers and Felons howsoever offending within the Maritime Jurisdiction of our Vice Admiralty of our Province of Massachusetts Bay in America aforementioned and Territories thereunto belonging and of the Goods, Chattels and debts of all and singular their maintainers, accessaries, counsellors, abettors or assistants whomsoever And also of the Goods, debts and Chattels of whatsoever person or persons, felons of themselves by what means

or howsoever coming to their death within our aforesaid Maritime Jurisdiction wheresoever any such Goods, debts & Chattels or any parcel thereof by Sea, Water or Land in our said Province of Mass[a] Bay in America and Territories thereon dependant and maritime parts of the same and thereto adjacent whatsoever as well within liberties and franchises as without have been or shall be found forfeited or to be forfeited or in being And moreover as well of the Goods, debts and Chattels of whatsoever other Traitors, felons & manslayers wheresoever offending and of the Goods, debts and Chattels of their maintainers, accessaries, Councellors abettors or assistants as of the Goods, debts and Chattels of all fugitives, persons convicted attainted, condemned, outlawed or howsoever put or to be put in exigent for Treason Felony, Manslaughter or Murder or any other offence or crime whatsoever And also concerning Goods waving flotson Jetson Lagon shares and treasure found or to be found deodands and of the Goods of all others whatsoever taken or to be taken as derelict or by chance found or to be found or howsoever done or to be done and of all other casualties as well in upon or by the Sea and Shores Creeks or Coasts of the Sea or Maritime parts as in upon or by all fresh waters, ports, public streams Rivers or Creeks or places overflown whatsoever within the ebbing and flowing of the Sea or high water or upon the shores or Banks of any of the same within our maritime Jurisdiction aforesaid howsoever whensoever or by what means soever arising happening or proceeding or wheresoever such Goods debts and Chattels or other the premises or any parcel thereof may or shall happen to be met with or found within our maritime Jurisdiction aforesaid And also concerning Anchorage, lastage and ballast of Ships and of Fishes Royal namely Sturgeons, Whales, porpusses, dolphins, Riggs and Crampusses[1] & generally of all other Fishes whatsoever which are of a great or very large bulk or fatness anciently by

[1] *Sic.*

right or custom or any way appertaining or belonging to us and to ask require levy take collect receive and obtain and to the use of us and the office of our high admiral of Great Britain aforesaid for the time being to keep and preserve the said Wreck of the Sea and the Goods, debts and chattels and all and singular other the premises together with all and all manner of fines, mulcts, issues, forfeitures, amerciaments, ransoms and recognizances whatsoever forfeited or to be forfeited and pecuniary punishments for Trespasses crimes injuries, extortions, contempts and other misdemeanors whatsoever howsoever imposed or inflicted or to be imposed or inflicted for any matter cause or thing whatsoever in our said Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts of the same and thereto adjoining in any Court of our Admiralty there held or to be held presented or to be presented assessed brought forfeited or adjudged and also all amerciaments, issues, fines, perquisites, mulcts and pecuniary punishments whatsoever and forfeitures of all manner of Recognizances before you or your Lieutenant, deputy or deputies in our said Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts of the same and thereto adjacent whatsoever happening or imposed or to be imposed or inflicted or by any means assessed presented, forfeited or adjudged or howsoever by reason of the premises due or to be due in that behalf to us or our Heirs and successors. And further to take all manner of Recognizances, cautions, obligations and stipulations as well to our use as at the instance of any parties for agreements or debts and other causes whatsoever and to put the same in execution and to cause and command them to be executed And also to Arrest and cause and command to be arrested according to the Civil and maritime Laws and ancient custom of our said Court all Ships, persons, things Goods Wares & Merchandizes for the premises and every of

them and for other causes whatsoever concerning the same wheresoever they shall be met with or found throughout our said Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts thereof and thereto adjoining as well within the liberties and franchises as without and likewise for all other agreements, causes or debts howsoever contracted or arising so that the Goods or the persons of the Debtors may be found within our Jurisdiction aforesaid and to hear examine, discuss and finally determine the same with their emergencies dependances incidents annexed and connexed causes and businesses whatsoever together with all other causes civil and maritime and complaints contracts and all and every the respective premises whatsoever above expressed according to the Laws and customs aforesaid and by all other lawful ways means and methods according to the best of your skill and knowledge and to compel all manner of persons in that behalf as the case shall require to appear and to answer with power of using any temporal correction and of inflicting any other penalty or mulct according to the Laws and customs aforesaid and to do and minister Justice according to the right order and course of the Law summarily and plainly looking only into the truth of the fact And to fine correct punish chastize and reform & imprison and cause and command to be imprisoned in any Goals being within our Province of Massachusetts Bay in America aforesaid and Territories thereunto belonging the parties guilty and the contemners of the Law and Jurisdiction of our Admiralty aforesaid and violaters, usurpers, delinquents and contumacious absenters Masters of Ships, Mariners, Rowers, fishermen, Shipwrights and other workmen and artificers whatsoever exercising any kind of maritime affairs according to the rights, Statutes, Laws or Ordinances and customs anciently observed and to deliver and absolutely discharge and cause and command to be discharged whatsoever persons imprisoned in such cases

who are to be delivered And to preserve and cause to be preserved the public streams, Ports, Rivers, fresh waters and Creeks whatsoever within our maritime Jurisdiction aforesaid in what place soever they be in our said Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts of the same and thereto adjacent whatsoever as well for the preservation of our Navy Royal and of the Fleets and Vessels of our Kingdoms and dominions aforesaid as of whatsoever fishes increasing in the Rivers and places aforesaid. And also to keep and cause to be executed and kept in our said Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts thereof and thereto adjacent whatsoever the rights Statutes Laws Ordinances and customs anciently observed, and to exercise expedite and execute all and singular other things in the premises and every of them as they by right & according to the Laws and Statutes ordinances and customs aforesaid should be done. And moreover to reform Nets too close and other unlawful Engines or instruments whatsoever for the catching of Fishes wheresoever by Sea or public streams Ports, Rivers Fresh Waters or Creeks whatsoever throughout our Province of Massachusetts Bay in America afores[d] and Territories dependant thereon and maritime parts of the same and thereto adjacent used or exercised by Water within our maritime Jurisdiction aforesaid wheresoever and to punish and correct the exercisers and occupiers thereof according to the Statutes Laws ordinances and customs aforesaid and to pronounce, promulge and interpose all manner of Sentences and Decrees and to put the same in execution with Cognizance and jurisdiction of whatsoever other causes civil and maritime which relate to the Sea or which any manner of ways respect or concern the Sea or passage over the same or Naval or Maritime voyages or our said maritime Jurisdiction or the places or limits of our said Admiralty and cognizance aforementioned and all

other things done or to be done with power also to proceed in the same according to the Statutes Laws Ordinances and customs aforesaid anciently used as well of meer office mixt or promoted as at the instance of any party as the case shall require and seem convenient and likewise with cognizance and decision of Wreck of the Sea great or small and of the death drowning and view of Seas, bodies of all persons howsoever killed or murdered or which shall happen to be killed drowned or murdered or by any other means come to their death in the Sea or public streams Ports fresh waters or Creeks whatsoever within the flowing of the Sea and high water mark throughout our aforesaid Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts of the same and thereto adjacent or elsewhere within our Maritime Jurisdiction aforesaid together with the cognizance of Mayhem in the aforesaid places within our Maritime Jurisdiction aforesaid and flowing of the Sea and water there happening with power also of punishing all delinquents in that kind according to the exigencies of the Law and customs aforesaid And to do exercise, expedite and execute all and singular other things which in and about the premises only shall be necessary or thought meet according to the Rights Statutes Laws, Ordinances and customs aforesaid with power of deputing and surrogating in your place for the premises one or more deputy or deputies as often as you shall think fit and also with power from time to time of naming appointing ordaining assigning making and constituting whatsoever other necessary fit and convenient officers and Ministers under you for the said office and execution thereof in our said Province of Massachusetts Bay in America and Territories thereunto belonging and maritime parts of the same and thereto adjacent whatsoever (saving always the right of our high Court of Admiralty of England and also of the Judge and Registrar of the said Court from whom or either of them it is not our intention

in any thing to derogate by these presents and saving to every one who shall be wronged or aggrieved by any definitive Sence[1] or interlocutory decree which shall be given in the high admiralty Court of our Province of Massachusetts Bay aforesaid and Territories thereunto belonging the right of appealing to our aforesaid high Court of Admiralty of England). Provided nevertheless and under this express condition that if you the aforesaid Thomas Gage Esquire our Captain General and Governor in Chief aforesaid shall not yearly (to wit) at the end of every year between the Feasts of Saint Michaël the Archangel and all Saints duly certify and cause to be effectually certified (if you shall be thereunto required) to us and our Lieutenant official principal and Commissary General and special & Judge and President of the high Court of our Admiralty of England aforesaid all that which from time to time by virtue of these presents you shall do execute collect or receive in the premises or any of them together with your full & faithful account thereupon to be made in an authentic form and sealed with the Seal of our Office remaining in your custody that from thence and after default therein these our Letters Patent of the office of Vice Admiral aforesaid as above granted shall be null and void and of no force or effect. Further We do in our name command all and singular our Governors, Justices, Mayors Sheriffs Captains Marshals, Bailiffs keepers of all our Jails and Prisons Constables and all other our officers & faithful and liege Subjects whatsoever and every of them as well within liberties & franchises as without that in and about the execution of the premises and every of them they be aiding, favouring, assisting, submissive and yield obedience in all things as is fitting to you the aforesaid Thomas Gage Esqr our Captain General and Governor in chief of our Province of the Massachusetts Bay in America aforesaid and your deputy whomsoever and to all other officers (by you appointed

[1] *Sic:* Sentence.

or to be appointed of our said Vice Admiralty in our Province of Mass[a] Bay in America aforesaid and Territories thereunto belonging and maritime parts of the same and thereto adjoining under pain of the Law and the peril which will fall thereon. Given at London in the high Court of our Admiralty of England aforesaid under the Great Seal thereof the fifth day of April in the year of our Lord one thousand seven hundred and seventy four and of our Reign the fourteenth.

GODF: LEE FARRANT Registrar

—— *Crown Commissions, 1677–1774, pp. 143–150.*

COMMISSIONS

OF THE

LIEUTENANT-GOVERNOR OF THE TERRITORY AND DOMINION OF NEW ENGLAND 1688

AND OF THE

LIEUTENANT-GOVERNORS OF THE PROVINCE OF THE MASSACHUSETTS BAY 1702–1774

FRANCIS NICHOLSON'S COMMISSION

AS

LIEUTENANT-GOVERNOR OF THE TERRITORY AND DOMINION OF NEW ENGLAND

20 April, 1688

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20 APRIL 1686 COMMISSION TO CAP^{T} NICHOLSON TO BE L^{T} GOV^{R} OF NEW ENGLAND

James the Second, &c. To Our Trusty and Welbeloved Capt. Francis Nicholson *Greeting.*

Whereas by Our Commission under Our Great Seal of England bearing date the 7th day of this instant Aprill, Wee have thought fit to Constitute and appoint Our Trusty and welbeloved Sr Edmund Andros Kn^{t} Our Capt. Generall and Governor in Cheif of Our Territory and Dominion of New England in America; And whereas Wee repose a Speciall Trust and Confidence in yor Loyalty Courage and circumspection, Wee do by these Presents Constitute and appoint **you** to be Our Lieutenant Governor of Our said Territory and Dominion of New England, To have, hold, exercise and enjoy the said Place and Office for and during Our Pleasure, with all Rights, Priviledges Profits and advantages to the same belonging & appertaining.

And in Case of the death or absence of the Sr Edm. Andros Wee do hereby authorize and require you to Execute and perform all & singular the Powers and directions Conteined in Our said Commission to Sr Edmund Andros and

such Instructions as Wee have already or hereafter shall from time to time send unto him, And you are to observe and follow such orders & directions as you shall receive from Us, the said Sr Edmund Andros, or any other Our Cheif Governor of Our said Territory and Dominion of New England for the time being. And Wee hereby Command all and singular Our Officers Ministers and Loving Subjects of Our said Territory and Dominion, and all others whom it may concern to take due Notice hereof, and to give their ready obedience accordingly. Given at Our Court at Whitehall the 20th day of Aprill 1688 in the 4th year of Our Reign.

By his Ma^tys^ Command
SUNDERLAND P.

——*Public Record Office, Colonial Office, Class 5, Vol. 904, p. 406.*

THOMAS POVEY'S COMMISSION

AS

LIEUTENANT-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

11 April, 1702

COPY OF HER MAJ^{TIES} COMISSION TO CAP^{T} POVEY TO BE LIEUT. GOVERN^{R} OF THE MASSACHUSETTS BAY, DATED THE 11th APRILL 1702

ANNE R.

Anne by the Grace of God Queen of England Scotland, France and Ireland Defender of the Faith &c. To Our Trusty and Welbeloved Thomas Povey Esqr Captain in our own Regiment of Foot Guards *Greeting*,

Whereas by our Commission under Our Great Seal of England bearing date the First day of April 1702. In the first year of Our Reign, We have constituted and appointed Our Trusty and Welbeloved Joseph Dudley Esqr Our Captain General and Governour in Cheif in and over Our Province of the Massachusets Bay in New England, and the Territories depending thereon in America; We reposing especial Trust and Confidence in your Loyalty Courage and Circumspection, Do by these presents Constitute and appoint you the said Thomas Povey to be Our Lieutenant Governour of Our said Province and Territories of the Massachusets Bay in New England. To have hold Exercise and

Enjoy the said Place and Office for & during Our Pleasure with all Rights, Priviledges, Profits, Perquisits & Advantages to the same belonging or appertaining. And further in Case of the Death or absence of the said Joseph Dudley, We do hereby Authorize and Empow^r you to Execute and perform all & singular the Powers and Directions contained in the said Commission to the said Joseph Dudley and such Instructions as are already or hereafter shall from time to time be sent unto him. And you are to observe and follow such Orders and Directions as you shall receive from Us, the said Joseph Dudley or any other Cheif Govr of the said Province and Territories of the Massachusets Bay in New England for the time being. And all and singular Our Officers Ministers and Loving Subjects of Our said Province and Territories and others whom it may Concern, are hereby Commanded to take due Notice hereof, and to give their ready obedience accordingly. Given at Our Court at St James's the Eleaventh day of Aprill 1702, In the First year of Our Reign.

By Her Majesties Command.
MANCHESTER.

—— *Public Record Office, Colonial Office, Class 5, Vol. 910, pp. 194–196.*

WILLIAM DUMMER'S SECOND COMMISSION

AS

LIEUTENANT-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

17 October, 1727

WILL^{M} DUMMER ESQ^{R} L^{T} GOV^{R} OF THE MASSACHUSET'S BAY

George the Second &c, To Our Trusty and Welbeloved William Dummer Esqr *Greeting*

We reposing especial Trust and Confidence in your Loyalty, Courage and Prudence, do by these Presents constitute and appoint **You** to be Our Lieutenant Governor of Our Province and Territories of Massachusets Bay in new England in America; To have hold and enjoy the said Place Office during Our Pleasure, with all Rights, Privileges Profits Perquisites and Advantages to the same belonging or appertaining; And further in case of the Death or Absence of Our Capt Genl and Govr in Chief in and over Our said Province of Massachusets Bay in New England now and for the time being; We do hereby authorize and impower You to execute and perform all and singular the Powers and Directions contain'd in Our Commission to Our said Captain General and Governor in Chief according to such Instructions as are already sent, or hereafter shall from time to time be sent unto him, or as you shall receive from Us and from Our said Captain General and Chief Governor of Our said Prov-

ince of Massachusets Bay now and for the time being; and all & singular Our Officers, Ministers and loving Subjects of Our said Province and Territorys and all others whom it may concern are hereby commanded to take due notice hereof, and to give their ready obedience accordingly. Given at our Court at S[t] James's the seventeenth Day of October 1727. In the first year of Our Reign.

By His Majesty's Command
HOLLES NEWCASTLE.

——*Public Record Office, Colonial Office, Class 324, Vol. 50, pp. 52–53.*[1]

[1] Dummer's First Commission (1716) is not known to be extant.

WILLIAM TAILER'S THIRD COMMISSION

AS

LIEUTENANT-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

15 April, 1730

Wm TAILER ESQ^R LIEU^T GOV^R OF THE MASSACHUSETS BAY

GEORGE R

George the Second &c. To Our Trusty and Welbeloved William Tailer Esqr *Greeting.*

We reposing especial Trust and Confidence in your Loyalty, Courage and Prudence do by these Presents constitute & appoint you to be Our Lieutenant Governor of Our Province and Territories of Massachusets Bay in New England in America, in the room of William Dummer Esqr to have, hold and enjoy the said Place and Office during Our Pleasure with all Rights, Privileges, Profits, Perquisites and Advantages to the same belonging or appertaining; And further in case of the Death or Absence of Our Captain General and Governor in Chief in and over Our said Province of Massachusets Bay in New England now and for the time being, We do hereby authorize & empower you to execute and perform all and singular the Powers and Directions contained in Our Commission to Our said Captain General and Governor in Chief, according to such Instructions as are already sent, or hereafter shall from time to time be sent unto him, or as

you shall receive from Us and from Our said Captain General and Governor in Chief of Our said Province of Massachusets Bay now and for the time being: And all and singular Our Officers, Ministers and Loving Subjects of Our said Province and Territories and all others whom it may concern are hereby commanded to take due notice hereof and to give ready obedience accordingly, Given at Our Court at St James's the 15th Day of April 1730, in the third year of Our Reign.

By His Majesty's Command,
HOLLES NEWCASTLE.

—— *Public Record Office, Colonial Office, Class 324, Vol. 50, pp. 56–57.*[1]

[1] Tailer's First Commission (1711) and his Second Commission (28 April, 1715) are not known to be extant.

SPENCER PHIPS'S COMMISSION

AS

LIEUTENANT-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

29 April, 1732

[*HIS MAJESTYS COMMISSION TO*] SPENCER PHIPS ESQ^R L^T GOVERNOR [OF THE MASSACHUSETS BAY]

GEORGE R.

[*Loc. Sig.*]

George the Second [*by the Grace of God of Great Britain France & Ireland King Defender of the Faith*] **&c.** To Our Trusty and Welbeloved Spencer Phipps Esqr *Greeting*

We reposing especial Trust and confidence in your Loyalty, Courage and Prudence [*do*] by these Presents constitute and appoint **you** to be Our Lieutenant Governor of Our Province and Territory of Massachusets Bay in New England in America, in the room of William Tailer Esqr deceased; To have hold and enjoy the said Place and Office during Our Pleasure with all Rights, Privileges, Profits, Perquisites and Advantages to the same belonging or appertaining; and further in case of the Death or Absence of our Captain General and Governor in Chief in and over Our said Province of Massachussetts Bay in New England, now and for the time being; We do hereby authorize and empower you to execute

and perform all and singular the Powers and Directions contain'd in Our Commission to Our said Captain General and Governor in Chief [according to such Instructions as are already sent, or hereafter shall from time to time be sent unto him, or as you shall receive from Us and from Our said Captain General and Governor in Chief] of Our said Province of Massachusetts Bay now and for the time being; and all and singular Our Officers, Ministers and Loving Subjects of Our said Province and Territories, and all others whom it may concern, are hereby commanded to take due Notice [hereof] [*thereof*] and to give ready Obedience accordingly. Given at Our Court at St James's the 29th Day of April 1732 in the Fifth year of Our Reign.

By His Majesty's Command
HOLLES NEWCASTLE.

[*Sworn before His Excellency the Governor in Council, August 8. 1732.*
Attest J WILLARD *Secry*
Examined J WILLARD *Secry*]

—— *Public Record Office, Colonial Office, Class 324, Vol. 50, pp. 59–60.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, p. 35*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante*.

THOMAS HUTCHINSON'S FIRST COMMISSION

AS

LIEUTENANT-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

10 February, 1758

[*HIS MAJESTYS*] COMMISSION [APPOINTING] [*TO THE HON*^{BLE}] THOM^{S} HUTCHINSON ESQ^{R} [*TO BE*] LIEU^{T} GOVERNOR OF THE [*PROVINCE OF THE*] MASSACHUSETTS BAY, [NEW ENGLAND 1758 JAN^{RY} 16]

[*L. S.*] G[*eorge*] R.

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c^{a}. To Our Trusty and Wellbeloved Thomas Hutchinson Esqr *Greeting*

We reposing especial Trust and Confidence in your Loyalty, Courage and Prudence, [*do*] by these Presents constitute and appoint **you** to be Our Lieutenant Governor of Our Province and Territory of the Massachusets Bay in New England in America, in the room of Spencer Phipps Esqr deceased; To have, hold, and enjoy the said Place and Office during Our Pleasure, with all Rights, Privileges, Profits, Perquisites and Advantages to the same belonging or appertaining. And further, in case of the Death or Absence of Our Captain General and Governor in Chief in and over Our said Province of Massachusets Bay in New England, now and for the time being, We do hereby Authorize and

empower you to execute and perform all and singular the Powers and Directions contain'd in Our Commission to Our said Captain General and Governor in Chief according to such Instructions as are already sent, or [*shall*] hereafter [shall] from time to time be sent unto him, or as you shall receive from Us and from Our said Captain General and Governor in Chief of Our said Province of the Massachusets Bay now and for the time being, And all and singular Our Officers Ministers and loving subjects of Our said Province and Territory, and all others whom it may concern, are hereby commanded to take due Notice thereof and to give ready Obedience accordingly. Given at Our Court at St James's the [*tenth*] day of [*February*] 1758 in the 31st year of Our Reign.

By His Majesty's Command.
[*HOLDERNESS*]

[*Province of the Massachusetts Bay, June 1. 1758*
Sworn before me in Council
T. POWNALL]

—— *Public Record Office, Colonial Office, Class 324, Vol. 51, pp. 113–114.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, pp. 164–165*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante.*

THOMAS HUTCHINSON'S SECOND COMMISSION

AS

LIEUTENANT-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

13 MARCH, 1761

[*HIS MAJESTY KING GEORGE THE THIRDS*] COMMISSION TO [*THE HON*^{BLE}] THOMAS HUTCHINSON [*ESQ*^{R} *TO BE*] LIEUT: GOV^{R} OF THE [*PROVINCE OF THE*] MASSACHUSETTS BAY [4TH MARCH 1761]

[*L. S.*] G[*eorge*] R.

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c: To Our Trusty and Welbeloved THOMAS HUTCHINSON Esqre *Greeting.*

We reposing especial Trust and Confidence in your Loyalty Courage and Prudence do by these Presents constitute and appoint **you** to be Our Lieutenant Governor of the Province of the Massachusets Bay in New England in America. To have hold exercise and enjoy the Said Place and Office during our Pleasure with all Rights, Privileges, Profits, Perquisites and Advantages to the same belonging or appertaining. And further, in case of the Death or Absence of Our Captain General and Governor in Chief in and over Our Said Province of the Massachusets Bay in New England, now and for the time being, We do hereby authorize and impower you to execute and perform all and singular the Powers and Author-

ities contained in Our Commission to our said Captain General and Governor in Chief according to such instructions as are already sent, or hereafter shall from time to time be sent unto him or as you shall receive from Us and from Our said Captain General and Governor in Chief of Our said Province of the Massachusets Bay [in New England] now and for the time being, and all and singular Our Officers Ministers and loving Subjects of Our said Province and all others whom it may concern are hereby commanded to take due Notice hereof and to give a ready Obedience accordingly. Given at Our Court at St James's the [*Thirteenth*] day of [*March*] 1761. in the First Year of our reign.

By His Majesty's Command.

W. PITT.

—— *Public Record Office, Colonial Office, Class 5, Vol. 920, p. 33.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, pp. 208–209*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante.*

ANDREW OLIVER'S COMMISSION

AS

LIEUTENANT-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

19 October, 1770

COMMISS^N TO A. OLIVER ESQ^R TO BE L^T GOV^R

George R

Seal

George the third by the Grace of God King of Great Britain, France and Ireland Defender of the Faith &c
To our Trusty & well beloved Andrew Oliver Esquire *Greeting.*

We reposing especial Trust and confidence in your Loyalty, Courage and prudence do by these presents constitute and appoint **you** to be our Lieutenant Governor of the Province of the Massachusetts Bay in New England in America in the room of Thomas Hutchinson Esquire; To have, hold, exercise and enjoy the said place and office during our pleasure, with all Rights, Privileges, profits, Perquisites and advantages to the same belonging or appertaining: And further in case of the Death or absence of our Captain General and Governor in Chief in and over our said Province of the Massachusetts Bay in New England, now and for the time being; We do hereby authorize & impower you to execute and perform all and singular the powers and authorities

contained in our Commission to our said Captain General and Governor in Chief according to such Instructions as are already sent or hereafter shall from time to time be sent unto him, or as you shall receive from us and from our said Captain General and Governor in Chief of our said Province of the Massachusetts Bay now and for the time being. And all and singular our Officers, Ministers and loving Subjects of our said Province, and all others whom it may concern are hereby commanded to take due notice hereof and to give a ready obedience accordingly. Given at our Court at St James's the nineteenth day of October 1770 In the tenth year of our Reign.

By his Majesty's Command
HILLSBOROUGH

Andrew Oliver Esqr Lieutenant Governor of Massachusetts Bay

Province of Mass^a^ Bay } March 14. 1771

Andrew Oliver Esqr appointed Lieutenant Governor of the Province aforesaid, took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, repeated and subscribed the Test or declaration therein contained together with the Oath of Abjuration, and also an oath that he would faithfully perform the duties of the office aforesaid according to the best of his skill & Judgment

Before
T. HUTCHINSON

—— *Crown Commissions, 1677–1774, pp. 124–125.*

THOMAS OLIVER'S COMMISSION

AS

LIEUTENANT-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

28 May, 1774

THO^{S} OLIVER ESQ^{R} L^{T} GOV. OF MASS^{A} BAY

George R

(L. S.) George the Third by the Grace of God of Great Britain France and Ireland King defender of the Faith &c To our trusty and well beloved Thomas Oliver Esqr of Cambridge in our Province of Massachusetts Bay *Greeting.*

We reposing especial trust and confidence in your Loyalty, courage and prudence do by these presents constitute and appoint you to be our Lieutenant Governor of the Province of the Massachusetts Bay in New England in America in the room of Andrew Oliver Esqr deceased, to have, hold, exercise and enjoy the said place and office during our pleasure, with all rights, privileges, profits, perquisites and advantages to the same belonging or appertaining. And further in case of the death or absence of our Captain General and Governor in Chief in and over our said Province of the Massachusetts Bay in New England now and for the time being; We do hereby authorize and impower you to execute and perform all and singular the powers and authorities contained in our Commission to our said Captain General and Governor in chief according to such Instructions as are already sent or

hereafter shall from time to time be sent unto him, or as you shall receive from us and from our said Captain General and Governor in Chief of our said Province of the Massachusetts Bay now and for the time being; And all and singular our Officers, Ministers and loving Subjects of our said Province and all others whom it may concern are hereby commanded to take due notice hereof and give a ready obedience accordingly. Given at our Court at St James's the twenty eighth day of May 1774 In the fourteenth year of our Reign.

By his Majesty's Command

DARTMOUTH

Thomas Oliver Esqr Lieut Govr of Mass^a^ Bay.

Province of Mass^a^ Bay

Sworn before me in Council this 8 day of August 1774

THO^S^ GAGE Governor.

—— *Crown Commissions, 1677–1774, pp. 155–156.*

COMMISSIONS

OF THE

SECRETARY AND REGISTER OF THE TERRITORY AND DOMINION OF NEW ENGLAND

1685–1688

AND OF THE

SECRETARIES OF THE PROVINCE OF THE MASSACHUSETTS BAY

1715–1770

EDWARD RANDOLPH'S FIRST COMMISSION

AS

SECRETARY AND REGISTER OF THE TERRITORY AND DOMINION OF NEW ENGLAND

21 SEPTEMBER, 1685

James Rex

James the Second by the Grace of God King of England Scotland France & Ireland defend^r of the Faith &c. to all to whome these presents shall come *greeting*

Whereas we have thought fitt to appoint a President & Councill Vntill we shall send over A Governor in Chiefe to take Care of all our Territory & Dominion in New England Commonly Caled or knowne by the names of the Collony of the Massachusetts Bay the province of New Hampshier & Maine and the Narragansett Country otherwise Caled the Kings Province with all the Islands Rights & members thereunto belonging. — Know yee that wee reposing Especiall trust & Confidence in the Loyalty & Abilities of our trusty & well beloved Edward Randolph Esqr have given & Granted and by these presents do give and grant onto him the said **Edward Randolph** the severall and respective places & Offices of Secretary and Sole Register of our Governor & Councill and of our Government there for the time being of and in our Territoryes and Dominion afore said and him the said Edward Randolph Secretary and Register of our s^d Territoryes & Dominions wee do by these presents make Ordain

and Constitute to have hold Exercise and Enjoy the s^d^ Places and Offices onto him the s^d^ Edward Randolph by himselfe or his Deputy or Deputies during our Pleasure together with all fees Rights Privilidges Proffitts Perquisits and advantages to the said Places & Offices or either of them belonging or in any wise appertaining or which shall belong or in any wise appertaine in as full and ample manner to all Intents and Purposes as the Secretary and Register of our Island of Jamaica or of any other our Plantations in America have had or doe now receave and Enjoy. — and hereof all persons whom it may Concerne are to take due notice and yeild obedience therevnto accordingly. Given att our Court att Windsor ye 21 day of September 1685 in the first year of our Reigne.

—— *Massachusetts Archives, Vol. 126, pp. 95–96.*

Memorand On the 26th of August 1685.

Mr Randolph's petition is read to their Lo^ps^ praying that he may be recommended to his ma^tys^ favour, that in Consideracon of his past Services he may have a grant of the office of Secretary and Register of all those Places wch are or shalbee brought under his ma^tys^ Governm^t^ in New England,

Petition of Mr Randolph for ye places of Sec^ry^ & Register &c.

Whereupon their Lo^ps^ agree to Consider further of this Petition when the Governm^t^ of all the Colonyes of New England shall be setled.

—— *Public Record Office, Colonial Office, Class 5, Vol. 904, p. 251.*

EDWARD RANDOLPH'S SECOND COMMISSION

AS

SECRETARY AND REGISTER OF THE TERRITORY AND DOMINION OF NEW ENGLAND

25 April, 1688

James the Second ye Ireland Defender of the Faith &c.
To all to Whom &c

Know yee, that Wee for divers good Causes and Consideracoñs Us thereunto moving have Created Erected and Established and by these presents for vs our Heires and Successors do Erect Create and Establish an Office which for ever shall be and be called the Office of Secretary and Sole Register of Our Territory and Dominion of New England in America And Wee doe also for vs Our Heires and Successors hereby Ordeyne and Declare that the Person who shall from time to time be appointed to Execute the said Office shall have and enjoy all Priviledges Fees p'heminencies Rights Profitts and Advantages which any other Secretary or Register of or within any of Our Plantacoñs or Colonies in America hath Enjoyed or doth or ought to enjoy in respect of such his Office And further Know yee that Wee reposing speciall Trust and Confidence in the Fidelity Prudence and Circumspection of Our Trusty and Welbeloved Edward Randolph Esqre of Our Especiall grace certain Knowledge and meer mocoñ have given and granted and

De Concessione Randolph officium

by these presents doe give and grant vnto the said **Edward Randolph** the said Office or place of secretary and Sole Register of our Territory and Dominion of New England in America aforesaid And him the said Edward Randolph secretary and sole Register of our said Territory and Dominion of New England Wee doe name make Create and Ordeyne by these presents To have hold exercise and enjoy the said Office and place of secretary and sole Register of New England aforesaid vnto the said Edward Randolph by himselfe or his Sufficient Deputy or deputies during Our Pleasure and further Wee have given and granted and by these presents do give and grant vnto the said Edward Randolph all and singuler such and the like Fees Rights Powers Preheminences Perquisites Profitts and Advantages for and in respect of the Execucon̄ of the said Office or Place as any other of Our Secretaryes or Registers of Within or belonging to any of Our Plantacon̄s or Colonies or other Places Whatsoever in America aforesaid now doe or doth or at any time or times heretofore have or hath of Right taken received or Enjoyed for the Exercise of his or their said respective Offices or Places To have receive perceive and enjoy the the same unto the said Edward Randolph by himselfe or his Sufficient Deputy or Deputies during Our Pleasure In Witness &c Witnesse the King at Westm̄ the five and Twentyeth day of Aprill

By writt of Privy Seal

—— *Public Record Office, Patent Roll, 4 James II, Part 4, No. 22.*

SAMUEL WOODWARD'S COMMISSION

AS

SECRETARY OF THE PROVINCE OF THE MASSACHUSETTS BAY

23 JUNE, 1715

George by the Grace of God &c To all to whom these p^r^sents shall come *Greeting*

know yee that Wee of Our especiall Grace certain knowledge and meer mocon have Given And Granted and by these p^r^sents Do give and Grant unto Our Trusty and Welbeloved **Samuel Woodward** Esqr the Office or place of Secretary of our Province of Massachuset's Bay in New England in America And him the said Samuel Woodward Secretary of Our said Province of Massachuset's Bay in New England in America Wee do make Ordain and constitute by these p^r^sents To have hold Exercise and enjoy the said Office or place unto the said Samuel Woodward by himself or his sufficient Deputy or Deputys (for whom he shall be answerable) for and during Our pleasure and his residence Within Our said Province with all Fees Rights profits priviledges and advantages Whatsoever thereunto belonging in as full and ample manner as any Secretary of Our said Province hath heretofore held and enjoyed or of right ought to have held and enjoyed the same provided always that if the said Samuel Woodward shall not transport himself to Our said Province of Massachuset's Bay in New

De Concessione Woodward Armigero Officium

England in America within the space of nine months from the date of these p^r^sents or if he shall be absent from Our said Province for the space of one month at any one time from the time of his arrivall there without Our especiall Leave and licence under Our Signet or Sign Manual in that behalf first had and obtained Then and in such case these Our Letters Patents and every thing herein contained shall cease Determine and be void any thing herein contained to the contrary thereof in any Wise notwithstanding In witness &c. Witnesse Our self at Westminster the twenty third day of June.

By Writt of Privy Seal

——*Public Record Office, Patent Roll, 1 George I, Part 10, No. 4.*

JOSIAH WILLARD'S FIRST COMMISSION

AS

SECRETARY OF THE PROVINCE OF THE MASSACHUSETTS BAY

17 JUNE, 1717

[*COMMISSION FROM HIS MAJESTY KING GEORGE TO JOSIAH WILLARD TO BE SECRETARY OF THE PROVINCE OF THE MASSACHUSETTS BAY*]

George by the Grace of God [*of Great Britain France & Ireland King, Defender of the Faith*] **&c.** To all to whom these presents shall come *Greeting*

Whereas Wee did by our letters Patents under our Great Seal of Great Britain bearing date at Westminster the three and Twentieth day of June in the first year of our Reign Give and Grant unto our Trusty and Welbeloved Samuel Woodward Esquire the Office or place of Secretary of Our Province of Massachusets Bay in New England in America To have hold Exercise and enjoy the said Office or place unto the said Samuel Woodward by himselfe or his sufficient Deputy or Deputies (for whom he should[1] be answerable) for and during our Pleasure and his Residence within Our said Province as by our said recited Letters Patent (relacon being thereunto had) may more fully and at large appear Now know yee that Wee have Revoked and Determined and by these presents do Revoke and Determine our said recited Letters Patents and every clause article and thing therein contained and further know yee that Wee of our especial Grace certain knowledge and meer mocon have given and granted and by these presents Do give and grant unto our Trusty and Welbeloved **Josiah**

[De Concessione Willard Armigero Officium]

[1] *Sic.*

Willard Esquire the said Office or Place of Secretary of Our Province of Massachusets Bay in New England in America and him the said Josiah Willard Secretary of our said Province of Massachusets Bay in New England in America Wee do make Ordain and Constitute by these presents To have hold Exercise and enjoy the said Office or place unto the said Josiah Willard by himselfe or his sufficient Deputy or Deputies (for whom he shall be answerable) for and during our Pleasure and his Residence within our said Province With all Fees Rights Profits Priviledges and advantages whatsoever thereunto belonging in as full and ample manner as the said Samuel Woodward or any other Secretary of our said Province hath formerly held and enjoyed or of right ought to have held and enjoyed the same Provided always that if the said Josiah Willard shall not transport himselfe to our said Province of Massachusets Bay in New England in America within the space of Twelve months from the date of these presents or if he shall be absent from Our said Province for the space of one month at any one time from the time of his arrival there without Our especial leave and lycence under Our Signet or Sign Manual in that behalfe first had and obtained Then and in such case these Our Letters Patents and every thing herein contained shall cease determine and be void any thing herein contained to the contrary thereof in any wise notwithstanding In Witnesse [&c.] [*whereof We have caused these Our Letters to be made Patents;*] Witnesse our selfe at Westminster the seventeenth day of June. [*In the third Year of Our Reign*].

By Writ of Privy Seal.

[*COCKS*]

[*Examined p J. WILLARD Secry*]

——*Public Record Office, Patent Roll, 3 George I, Part 4, No. 14.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, p. 33*) in the office of the Secretary of the Commonwealth.[1]

[1] See footnote, p. 56, *ante*.

JOSIAH WILLARD'S SECOND COMMISSION

AS

SECRETARY OF THE PROVINCE OF THE MASSACHUSETTS BAY

28 March, 1728

[*COMMISSION FROM HIS MAJESTY KING GEORGE THE SECOND TO JOSIAH WILLARD ESQ^R TO BE SECRETARY OF THE PROVINCE OF THE MASSACHUSETS BAY*]

George the Second by the Grace of God [*of Great Britain France & Ireland King Defender of the Faith*] **&c.** To all to whom these Presents shall come *Greeting*

Whereas Our late Royall Father George the First King of Great Britain &c Did by his letters Patents vnder his Great Seal of Great Britain bearing date at Westminster the sixteenth Day of June in the third Year of his Reign Give and Grant vnto his Trusty & Welbeloved Josiah Willard Esquire the Office or place of Secretary of his Province of Massachusetts Bay in New England in America To have hold Exercise and Enjoy the said Office or Place unto the said Josiah Willard by himself or his sufficient Deputy or Deputies (for Whom he should be Answerable) for and during his Pleasure and his Residence within the said Province with all Fees Rights Profits Priviledges and Advantages Whatsoever thereunto belonging As by the said recited letters Patents (rela-

tion being thereunto had) may [more] [*now*] fully and at large appear In which said Office by Virtue of the Statute in such Case made and Provided he [was] [*has*] continued for the Space of Six Months from the Time of the Demise of his said late Majesty and by virtue of our Royall Proclamation for that purpose Issued bearing date the Fifth Day of July in the First Year of Our Reign He is continued untill Our Pleasure be further known or other Provision be made concerning the said Office Now know Yee that Wee have Revoked and Determined And by these Presents do Revoke and Determine the said recited Letters Patents and every Clause Article and thing therein contained And Further Know yee that Wee of our Especiall Grace certain Knowledge and meer motion have Given and Granted and by these Presents do Give and Grant unto Our Trusty & Welbeloved the said **Josiah Willard** the said Office or place of Secretary of Our Province of Massachusetts Bay in New England in America and him the said Josiah Willard Secretary of Our said Province of Massachusetts Bay in New England in America Wee do make Ordain and Constitute by these Presents To have hold Exercise and Enjoy the said Office or Place vnto the said Josiah Willard by himselfe or his Sufficient Deputy or Deputyes (for whom he shall be answerable) For and during Our Pleasure and his Residence within Our said Province with all Fees Rights Profits Priviledges and Advantages whatsoever thereunto belonging in as full and ample manner as he the said Josiah Willard or any other Secretary of Our said Province hath formerly held and Enjoyed or of Right Ought to have held and Enjoyed the same In Witness [&c] [*whereof We have caused these our Letters to be made Patents*] Witness Our Selfe at Westminster the [*eight &*] Twentieth [Eighth] Day of March [*In the first year of our Reign*]

By Writt of Privy Seal
[*COCKS*]

[*Prov. of the Massachusets Bay Sworn before me in Council June 18. 1728.*

W^M^ Dummer

Examined per J Willard Secry]

—— *Public Record Office, Patent Roll, 1 George II, Part 4, No. 14.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, p. 34*) in the office of the Secretary of the Commonwealth.[1]

JOSIAH WILLARD ESQ^R^ SECRETARY OF THE MASSACHUSETS BAY 1727

George R.

Our Will and Pleasure is, that you prepare a Bill for Our Royal Signature to pass Our Great Seal, containing Our Grant of the Office or Place of Secretary of Our Province of Massachusets Bay in New England in America unto Our Trusty and Welbeloved Josiah Willard Esqr to have, hold, exercise and enjoy the same by himself or his sufficient Deputy or Deputies (for whom he shall be answerable) for and during Our Pleasure and his Residence within Our said Province, with all Fees, Rights, Profits, Privileges and Advantages whatsoever thereunto belonging, in as full and ample manner as he the said Josiah Willard or any other Secretary of Our said Province hath formerly held and enjoyed the same; And you are to insert in the said Bill a clause for revoking the Letters Patents whereby We constituted the said Josiah Willard Secretary of Our said Province. And for so doing this shall be your Warrant. Given at Our Court at St James's the 29th Day of February 1727. In the first year of Our Reign.

By His Majesty's Command,
HOLLES NEWCASTLE.

To Our Attorney or Sollicitor General

—— *Public Record Office, Colonial Office, Class 324, Vol. 50, pp. 53–54.*

[1] See footnote, p. 56, *ante*.

ANDREW OLIVER'S FIRST COMMISSION

AS

SECRETARY OF THE PROVINCE OF THE MASSACHUSETTS BAY

2 March, 1758

[*COMMISSION FROM HIS MAJESTY KING GEORGE THE SECOND TO*] ANDREW OLIVER ESQ^R [TO BE] SECRETARY OF [*THE PROVINCE OF THE*] MASSACHUSETTS BAY

George the second by the Grace of God [*of Great Britain France and Ireland King Defender of the Faith*] &c; To All to Whom these presents shall come *Greeting*

Know ye that Wee of our Especial Grace certain Knowledge and meer Motion have Given and granted and by these presents Do Give and Grant unto Our Trusty and Welbeloved **Andrew Oliver** Esquire the Office or Place of Secretary of Our Province of Massachusetts Bay in New England in America And him the said Andrew Oliver Secretary of our said Province of Massachusetts Bay in New England in America Wee do Make Ordain and Constitute by these Presents in the Room and Place of Josiah Willard Esquire Deceased To Have Hold Exercise and Enjoy the said Office or Place unto the said Andrew Oliver by himself or his sufficient Deputy or Deputies (for Whom he shall be Answerable) for and during Our Pleasure and his Residence within Our said Province with all Fees Rights Profits Priviledges and Advantages whatsoever thereunto belonging in as full and Ample manner as he the said Josiah Willard or any other Secretary of our said Province hath formerly held and Enjoyed or of right ought to have held and Enjoyed the same In Witness [*whereof we have caused these our Letters to be made Pattent*] Wit-

ness Our self at Westminster the Second Day of March [*in the thirty first Year of Our Reign*]

By Writ of Privy Seal

[*COCKS*]

[*Province of the Mass^a Bay — June 1. 1758*
Sworn in Council
Rec *Before T. Pownall Govr*
Received Recorded and Examined
p Thos Clarke Dp^ty Secry]

—— *Public Record Office, Patent Roll, 31 George II, Part 3, No. 2.* Compared with the record of Royal Commissions (*Crown Commissions, 1628–1663, pp. 165–166*) in the office of the Secretary of the Commonwealth.[1]

1758 JAN^y 31 WARRANT APPOINTING ANDREW OLIVER ESQ^R SECRETARY OF THE MASSACHUSETTS BAY NEW ENGL^D

G. R.

Our Will and Pleasure is that you prepare a Bill for Our Royal Signature to pass Our Great Seal of Great Britain, containing Our Grant of the Office or Place of Secretary of Our Province of the Massachusets Bay, in New England, in America, unto Our Trusty and Wellbeloved Andrew Oliver Esqr in the room and place of Josiah Willard Esqr deceased, To have, hold exercise and enjoy the same unto him the said Andrew Oliver by himself or his sufficient Deputy or Deputies (for whom he shall be answerable) for and during Our Pleasure and his Residence within Our said Province with all Fees, Rights, Profits, Privileges and Advantages whatsoever thereunto belonging, in as full and ample manner as he the said Josiah Willard or any other Secretary of Our said Province hath heretofore held and enjoyed the same and for so doing this shall be your Warrant Given at Our Court at St James's the day of 1758 in the 31st year of Our Reign.

By His Majesty's Command.

To Our Attorney
or Sollicitor General.

—— *Public Record Office, Colonial Office, Class 324, Vol. 51, p. 117.*

[1] See footnote, p. 56, *ante*.

ANDREW OLIVER'S SECOND COMMISSION

AS

SECRETARY OF THE PROVINCE OF THE MASSACHUSETTS BAY

10 April, 1761

[ANDREW] [*SECRETARY*] OLIVER[*S*] [SECRETARY OF MASSACHUSETS BAY] [*COMMISSION*]

George the Third by the Grace of God [*of Great Britain France and Ireland King Defender of the Faith*] **&c.** To all to whom these presents shall come *Greeting*

Whereas Our late Royal Grandfather George the Second of Glorious and happy Memory King of Great Britain &c did by his Letters Patent under his Great Seal of Great Britain bearing date at Westminster the second day of March in the Thirty first year of his Reign Give and Grant unto his Trusty and Welbeloved Andrew Oliver Esquire the Office or Place of Secretary of His Province of Massachusets Bay in New England in America To have hold Exercise and Enjoy the said office or place unto the said Andrew Oliver by himself or his sufficient Deputy or Deputys (for whom he should be answerable) for and during his said Majesty's Pleasure and his Residence within the said Province with all [Fees] [*the*] Rights, Profits Priviledges and Advantages whatsoever thereunto belonging as by the said recited Letters Patent (relation being thereunto had) may more fully and at large Appear In which said Office by Virtue of the Statute in such case

made and provided he is continued for the space of Six Months from the time of the Demise of His said late Majesty unless he shall by Us be sooner removed and discharged from the said office Now Know Ye that wee have Revoked and Determined and by these presents Do Revoke and Determine the said recited Letters Patent and every clause Article and thing therein contained And further Know Ye that Wee of Our Especial Grace certain Knowledge and mere Motion Have Given and Granted and by these presents Do Give and Grant unto Our Trusty and Welbeloved the said **Andrew Oliver** Esquire the said office or place of Secretary of Our Province of Massachusetts Bay in New England in America And him the said Andrew Oliver Secretary of Our said Province of Massachusetts Bay in New England in America Wee do Make Ordain and Constitute by these presents To have hold Exe-[rcise] [*cute*] and Enjoy the said Office or place unto the said Andrew Oliver by himself or his sufficient Deputy or Deputies (for whom he shall be Answerable) for and during Our Pleasure and his Residence within Our said Province With all Fees Rights Profits Priviledges and Advantages whatsoever thereunto belonging in as full and ample manner as he the said Andrew Oliver or any other Secretary of Our said Province hath formerly held and Enjoyed or of Right ought to have held and Enjoyed the same In Witness [&c] [*whereof We have caused these Our Letters to*[1] *made Patent*] Witness Ourself at Westminster the Tenth day of April [*in the First Year of Our Reign*]

By Writ of Privy Seal
[*COCKS*]

[*The Great Seal of England Appending*]

—— *Public Record Office, Patent Roll, 1 George III, Part 8, No. 38.* Compared with the record of Royal Commissions

[1] *Sic:* to be.

(*Crown Commissions, 1628–1663, pp. 209–210*) in the office of the Secretary of the Commonwealth.[1]

Prov: of Mass^a Bay
Novr 26: 1761

Thomas Hutchinson Esqr appointed by his Majesty to be Lieutenant Governor, and Andrew Oliver Esqr appointed to be Secretary of the Province aforesaid severally took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy repeated and Subscribed the Test or declaration therein contained together with the Oath of Abjuration and an Oath that they would respectively faithfully perform the Duties of the respective Offices to which they are appointed as aforesaid according to the best of their Skill and Judgment.

before me

FRA BERNARD

—— *Crown Commissions, 1628–1663, pp. 209–210.*

REPRESENTATION TO HIS MAJESTY WITH A WARRANT TO APPOINT ANDREW OLIVER SEC^RY OF THE MASSACHUSETS BAY

G. R.

Our Will and Pleasure is, that you prepare a Bill for our Royal Signature to pass our Great Seal of Great Britain, containing our Grant of the Office or Place of Secretary of our Province of the Massachusets Bay in New England in America, unto our Trusty, and Wellbeloved Andrew Oliver Esqre To have, hold, exercise, and enjoy the same unto him the said Andrew Oliver, by himself or his sufficient Deputy or Deputies (for whom he shall be answerable) for and during our Pleasure and his residence within Our said Province withall Fees, Rights, Profits Privileges and Advantages whatsoever thereunto belonging in as full and ample manner as he the said Andrew Oliver or any other Secretary of Our said Province, hath heretofore held and enjoyed, or of Right ought to have held and enjoyed the same, And you are to insert in the said Bill a clause for revoking and determining the last Letters Patent,

[1] See footnote, p. 56, *ante*.

whereby the said Andrew Oliver was constituted Secretary of Our Province of Massachusets Bay aforesaid; And for so doing this shall be your Warrant Given at our Court at St James's the day of 1761. In the First year of Our Reign.

By His Majesty's Command,

Wm PITT.

To Our Attorney
or Sollicitor Genll

—*Public Record Office, Colonial Office, Class 5, Vol. 920, pp. 37–38.*

THOMAS FLUCKER'S COMMISSION

AS

SECRETARY OF THE PROVINCE OF THE MASSACHUSETTS BAY

12 November, 1770

THOMAS FLUCKER ESQ^R SECRETARY [OF THE MASSACHUSETS BAY]

George the Third by the Grace of God [*of Great Britain, France and Ireland King, defender of the Faith*] &c To All to whom these presents shall come *Greeting*

Whereas We did by Our Letters Patent under Our Great Seal of Great Britain, bearing date at Westminster the Tenth day of April in the First Year of Our Reign give and grant unto Our trusty and Welbeloved Andrew Oliver Esquire the Office or Place of Secretary of Our Province of Massachusets Bay in New England in America To have hold Exercise and enjoy the said Office or Place unto the said Andrew Oliver by himself or his sufficient Deputy or Deputies (for whom he sho^d be answerable) for and during Our Pleasure and his residence within the said Province, with all [Fees] [*the*] Rights Profits Priviledges and Advantages whatsoever thereunto belonging as by Our said recited Letters Patent (relation being thereunto had) may more fully and at large appear Now Know Ye that We have revoked and determined and by these presents do revoke and determine Our said recited Letters Patent and every Clause Article and thing therein

contained And further Know Ye that We of Our [e]special Grace certain knowledge and mere Motion have given and granted and by these Presents Do give and grant unto Our trusty and Welbeloved **Thomas Flucker** Esquire the said Office or place of Secretary of our Province of Massachusets Bay in New England in America And him the said Thomas Flucker Secretary of Our said Province of Massachusets Bay in New England in America We do make ordain and constitute by these presents To have hold exercise and enjoy the said Office or Place unto the said Thomas Flucker by himself or his sufficient Deputy or Deputies (for whom he shall be answerable) for and during Our pleasure and his Residence within Our said Province with all [Fees] [*the*] Rights Profits Priviledges and Advantages whatsoever thereunto belonging in as full and ample manner as the said Andrew Oliver or any other Secretary of Our said Province hath heretofore held and enjoyed or of right ought to have held and enjoyed the same In Witness [&c] [*whereof We have caused these Our Letters to be made Patent*] Witness Ourself at Westminster the Twelfth day of November [*in the eleventh year of our Reign*]

By Writt of Privy Seal.

[*COCKS*]

—— *Public Record Office, Patent Roll, 11 George III, Part 1, No. 8.* Compared with the record of Royal Commissions (*Crown Commissions, 1677–1774, p. 117*) in the office of the Secretary of the Commonwealth.[1]

Province of Massa^s Bay } Boston 11th March 1771

Thomas Flucker Esqr within named took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of alligiance & supremacy, repeated & subscribed the Test or Declaration therein

[1] See footnote, p. 56, *ante*.

contained, together with the Oath of Abjuration; and also an Oath, that he would faithfully discharge the Duties of the Office of Secretary of the said Province

Before T. HUTCHINSON

Examin^{d} p Jno Cotton D. Secry

—— *Crown Commissions, 1677–1774, p. 118.*

COMMISSION

OF THE

COLLECTOR, SURVEYOR, AND SEARCHER OF CUSTOMS IN THE COLONIES OF NEW ENGLAND

1681

EDWARD RANDOLPH'S COMMISSION

AS

COLLECTOR, SURVEYOR, AND SEARCHER OF CUSTOMS IN THE COLONIES OF NEW ENGLAND

15 October, 1681

Charles the second &c. To all to whome &c.

Whereas by severall Acts of Parliament vizt the Act of Tonnage and Poundage made in the twelfth yeare of our Reigne the Act for encouraging and encreasing of Shipping and Navigacon made in the same yeare the Act for p^r^venting Frauds and regulating abuses in our Customes made in the Fowerteenth yeare of our Raigne the Act for encouragem^t^ of Trade made in the Fifteenth yeare of our Raigne And the Act for encouragem^t^ of the Greenland and East land Trades and for better securing the plantacon trade made in the twenty Fifth yeare of our Raigne for the Keepeing of our Plantacons beyond the Seas in a more firme dependance vppon this our Kingdome of England in asmuch as they are peopled with the subiects thereof and for the makeing this Kingdome a staple not onely of the comodities of those Plantacons but alsoe of the Comodities of other Countryes for the supplyeing of them Provision hath beene made that noe comodities of Europe should bee carried to any the said Plantacons but what should be bona fide shipped and laded in England and alsoe that the Comodities of the plantacons pticulerly therein enumerated and

Mr Randolph
Office

named should bee brought into this our Kingdome of England or Ireland Principality of Wales or towne of Berwicke vppon Tweede and that for such of the said Plantac̃ons Comodities for which bond should not bee First given before the ladeing thereof to bring the same to England Wales or Berwicke and to no other place certeine rates and duties are imposed on the said Comodities payable to us our heires and successors in our said plantac̃ons before the ladeing thereof to bee levyed and collected by such persons as should bee appointed in our said respective plantac̃ons vnder the managem^t of the Comissioners of our Customes in this Kingdome vnder the authority of our high Treasurer or Comissioners of our Treasury for the time being for the Collec̃cion of which rates and Duties in our severall Colonies of New England and alsoe to the End the said lawes may bee duely observed and obeyed according to the true intent and purport thereof and alsoe that Wee may be duely answered our parte and share of all such Forfeitures as ought to accrew to vs by virtue of the said lawes Now Know yee that Wee for the considerac̃ons aforesaid and of our especiall grace certaine Knowledge and meere moc̃on have created and erected and by these presents for vs our heires and Successors doe create and erect the Office which shall bee and shall bee called the Office of Collector Surveyor and Searcher of our Customes within our Colonyes of New England vnder the management of our Commissioners of our Customes in this our Kingdome of England And that further alsoe Wee reposeing especiall trust and Confidence in the Fidelity care and Circumspec̃con of our trusty and well-beloved **Edward Randolph** Esqr of our more especiall grace certeine Knowledge and meer moc̃on have given and granted and by these p^rsents doe give and grant vnto the said Edward Randolph the said Office of Collector Surveyor and Searcher of our Customes within our Colonyes of New England vnder the management of the Commissioners of our Customes in

this our Kingdome of England and him the said Edward Randolph Collector Surveyor and Searcher of our Customes within our said Colonyes of New England vnder the management of our Comissioners of our Customes in this our Kingdome of England Wee doe by these p^r^sents Ordayne and Constitute To have and to hold the said Office of Collector Surveyor and Searcher as aforesaid vnto the said Edward Randolph dureing our pleasure to bee executed by himselfe or his sufficient Deputy or Deputies And Know yee further that Wee of our more especiall grace certaine Knowledge and meere mocon have given and granted and by these presents doe give and grant vnto the said Edward Randolph for the Execucon of the said Office the yearely sume of One hundred pounds payable quarterly att the Fower most vsuall Feasts or termes in the yeare (that is to say) the Feasts of Saint Michaell the Arch Angell the Birth of our lord Christ the Annunciacon of the blessed virgin Mary and the Nativity of Saint John Baptist by even and equall porcons To bee paid vnto the said Edward Randolph out of our Customes Subsidies and other duties ariseing vpon goodes and merchandizes imported or to bee imported into this our Kingdome of England or exported out of the same from time to time by the hands of our receivor generall Farmers or Collectors thereof the said Salary or allowance to comence from the Feast of Saint John Baptist now last past and the First payment to bee made for the quarter ended at the Feast of Saint Michaell the Arch Angell last past giveing and by these presents granting vnto the said Edward Randolph his Deputy or Deputies full power and authority to Collect and receive to our vse all the aforesaid rates duties and Imposicons and to search for and seize all such Europian goods as contrary to the said lawes or any of them shall bee carried to any of our Colonies of New England which shall not have beene bona fide laden in this our Kingdome of England Dominion

of Wales or Towne of Berwick vppon Tweed as alsoe all such of the said plantacõn Comodities which shall come to any of our said Collonyes of New land[1] and not have first paid before the ladeing thereof in any other of our said Plantacõns the rates and duties as aforesaid respectively imposed on the said Comodities and alsoe to seize all such shipps and vessells and theire lading respectively which contrary to the aforesaid lawes or any of them shall lade or shall have laden any of the said plantacõn Comodities not haveing first given bond with condicõn as is provided in the Act of Parliament made in the twelfth yeare of our Raigne for the encouragement and encrease of shipping and Navigacõn and alsoe to search for seize and proceed against any other goods or Marchandizes shipps or vessells whatsoever as are or shalbe any otherwise lyable to Forfeiture as vncustomed or prohibited or any otherwaies whatsoever by virtue of the said Acts of Parliament or any of them or any other law now in force or that shall bee in force and to vse all lawfull wayes and meanes in relacõn thereunto And Wee doe hereby Authorize Will and Comand the said Edward Randolph for his due Execucõn of the said Office to pursue and observe all such Orders rules and direccõns concerning the same as hee hath already received or shall from time to time receive from vs or from ye Comissioners of our Treasury now being or our high Treasurer or Comissioners of our Treasury which hereafter shall bee or from the Comissioners of our Customes in England which now bee or hereafter shall bee strictly chargeing and requireing all Governors Deputy Governors Magistrates Officers and persons whatsoever to be ayding and assisting to the said Edward Randolph or his Deputy or Deputies in all things concerning the due Execucõn of the said Office and Wee doe also Comand and require all our Judges Justices of the peace and other Officers and Ministers

[1] *Sic:* New England.

That these our letters pattents bee allowed of in all Courts of Record or elsewhere within our said Colony of New England or any other our Dominions In Witnesse &c. Witnesse our selfe att Westminster the Fifteenth day of October.

By writt of Privy Seal

——*Public Record Office, Patent Roll, 33 Charles II, Part 7, No. 15.*

COMMISSIONS

OF THE

BISHOP OF LONDON

1726–1728

BISHOP GIBSON'S FIRST COMMISSION

9 February, 1726–7

Rex &c. Reverendo in Christo Patri Edmundo Permissione Divina Ep*iscop*o Londin*iensi* Sal*ut*em Cum Colonie Plantac*i*ones ceteraq*ue* D*omi*nia n*ost*ra in America in Dieceses nondum divise vel format*e* neq*ue* alicui Diecesi infra Regnum N*ost*rum Magne Britannie annexa existant rac*i*one cujus Jurisdicc*i*o in Causis Eccl[es]iasticis in illis vel eor*um* aliquo orien*tibus* Nobis vt supreme Eccl*es*ie in terris Capiti solum[m]odo spectat ac Nobis necessarium visum sit vt deinceps Jurisdicc*i*o Spiritualis et Eccl[es]iastica in Regionib*us* illis in Casib*us* inferius in his p*res*entib*us* menc*i*onat*is* Authoritate N*ost*ra Regia *secundum* leges et Canones Eccl*es*ie Anglicane infra Angliam l*eg*itime recept*os* et sancit*os* instituatur et exerceatur qua Sincerus Dei Cultus Religionisq*ue* Christiane pura Professio melius p*ro*moveatur Sciatis modo quod Nos de v*est*ris sincera Religione et Doctrina ac morum p*ro*bitate et in reb*us* gerendis provida Circumspecc*i*one et Industria plurimum in hac parte confidentes de Gr*ati*a n*ost*ra sp*eci*ali ac ex certa scientia et mero motu n*ost*ris Dedimus et Concessimus ac per presentes Damus et Concedimus Tibi p*re*fat*o* Ep*iscop*o Londin*iensi* plenam Potestatem et Authoritatem p*er* Te vel per sufficientem Co*m*missariu*m* tuum sive Co*m*missarios tuos sufficientes p*er* Te substituend*os* et No*min*and*os* exercendi Juridicc*i*onem spiritualem et Eccl[es]iasticam in respectivis Colonijs Plan-

De Concessione. Bishop of London. Co[m]mission.

tac*ci*onib*us* ceterisq*ue* D*omi*nijs N*ost*ris in America *secundum* leges et Canones Eccl*es*ie Anglicane infra Angliam l*eg*itime recept*os* et sanci*tos* in specialib*us* Causis et materijs inferius in his p*re*sentib*us* express*is* et specificat*is* Ac p*ro* Declara-*ci*one Regalis voluntatis N*ost*re quoad speciales Causas et materias in quibus Jurisdicc*i*onem anted*ict*am virtute hujus Co*m*missionis N*ost*re exerceri volumus Dedimus vlterius et Concessimus Ac per p*re*sentes Damus et Concedimus Tibi p*re*fat*o* Ep*iscop*o Londin*iensi* plenam Potestatem et Authoritatem p*er* Te vel per sufficientem Co[m]missariu*m* tuum sive Co[m]missarios tuos sufficientes p*er* Te substituend*os* et N*omin*and*os* visitandi O*mn*es Eccl*es*ias in Colonijs Plantac[i]onib*us* ceterisq*ue* D*omi*nijs N*ost*ris p*redict*is in America in quib*us* Divinum Servitium iuxta Ritus et liturgiam Eccl*es*ie Anglicane celebrat*um* fuerit ac o*mn*es Eccl*es*iar*um* p*redictarum* Rectores Curatos Ministros et Incumbentes sive alio quocumq*ue* no*min*e vocatos ac o*mn*es P*res*byteros et Diaconos in Sacris Ordinib*us* Eccl*es*ie Anglicane constitut*os* cum omni et om*nim*od*a* Jurisdicc*i*one Potestate et Coercione Eccl[es]iastica quoad p*re*missa requisita et ad dies horas et loca competen*tia* quecumq*ue* quoties et quandocumq*ue* Tibi sive Co[m]missario vel Co*m*missariis p*redict*is magis congrua et opportuna videbuntur p*redict*os Rectores Curatos Ministros Incumbentes Presbyteros vel Diaconos in Sacris Ordinib*us* Eccl*es*ie Anglicane constitut*os* aut aliquem vel aliquos eorum coram Te vel Co*m*missario sive Co*m*missarijs p*redict*is evocand*i* et p*er* Testes p*er* Te sive Co[m]missariu*m* vel Co*m*missarios p*redict*os in deb*it*a Juris forma iurandos alijsq*ue* vijs ac modis l*eg*itimis quib*us* de Jure melius et efficacius id fieri possit Inquirendi de Morib*us* eorundem ac de Morib*us* Cl*er*icor*um* Parochial*ium* ac Peritia Cura et Diligentia eorundem in o*mn*ibus Officijs ad locum Cl*er*ici Parochialis secundum leges et Canones Eccl*es*ie Anglicane p*er*tinentib*us* peragend*is* ac etiam quecunq*ue* Juramenta licita in Curijs Eccl[es]iasticis consueta ministrand*i* ac corrigend*i* et puni-

ndi predictos Rectores Curatos Ministros Incumbentes Presbyteros et Diaconos in Sacris Ordinibus Ecclesie Anglicane constitutos et Clericos Parochiales juxta eorum demerita sive per Amocionem Deprivacionem Suspencionem Excommunicacionem vel aliud quodcunque genus Censurarum Ecclesiasticarum aut Correccionum deb[it]arum iuxta Canones et leges Eccl[es]iasticas predictas Et vlterius Dedimus et Concessimus Ac per presentes Damus et Concedimus Tibi prefato Episcopo Londiniensi plenam Potestatem et Authoritatem per Te vel Co[m]missarium tuum sive Commissarios tuos sufficientes inquirendi de Statu et Reparacione Ecclesiarum Parochialium et Domorum alicui Rectori Ministro Incumbenti sive alio quocunque nomine vocato spectantium seu pertinentium infra Colonias Plantaciones Ceteraque Dominia Nostra predicta in America Ac de Provisione eorum omnium quorumcunque pro decenti et regulari Celebracione Divini Servitij et Administracione Sacrorum in Ecclesiis predictis iuxta legis Exigentiam requisitorum et necessariorum ac compellendi et coercendi omnes et singulas personas que per leges adinde respective tente et obligate fuerint ad easdem Ecclesias et domos et respective reparandas et sustinendas ac alias res et materias superius mencionatas providendas et suppeditandas iuxta formam et processum Juris Eccl[es]iastici cum omni et om[n]i[m]oda legitima Jurisdiccione Potestate et Coercione quoad premissa requisita ac etiam corrigendi et puniendi tales personas superius mencionatas que in premissis delinquentes seu contumaces reperte fuerint iuxta eorum demerita per Excommunicacionem vel aliud quodcunque genus Censurarum Eccl[es]iasticarum aut Correccionum deb[it]arum iuxta Canones et leges Eccl[es]iasticas predictas et generaliter omnia et singula faciendi exercendi et exequendi que ad execucionem Jurisdiccionis Eccl[es]iastice in omnibus et singulis premissis legitime spectant vel pertinent seu circa ea necessaria fuerint Et vlterius de vberiori Gratia nostra Dedimus et Concessimus ac per presentes Damus et

Concedimus Tibi *pre*fat*o* Ep*iscop*o Londin*iensi* plenam Potestatem et Aucthoritatem de tempore in tempus No*min*andi et substituendi sub manu tuo et Sigillo tuo Ep*iscop*ali Co*m*missarios sufficientes ad o*mn*ia et sing*u*la p*re*missa in seperal*ibus* et respectivis Colonijs Plantac*i*onib*us* et D*omi*nijs p*redict*is in America iuxta tenorem et veram intenc*i*onem huius Com*m*issionis N*ost*re exercend*a* et exequend*a* cum effectu et tales Co*m*missarios amovendi et mutandi de tempore in tempus prout Tibi expedien*s* videbitur Habend*um* et gaudend*um* o*mn*es et sing*u*las Potestates et Authoritates anted*ict*as Tibi p*re*fat*o* Ep*iscop*o Londin*iensi* Q*ua*mdiu Nobis Placuerit Volumus tamen ac p*er* p*re*sentes Declaramus et Ordinamus q*uo*d bene liceat et licebit alicui Persone sive aliquib*us* personis quib*us*cunq*ue* in quam vel in quas aliquod Judici*um* Decre*tum* sive Sententia virtute huius Com*m*issionis N*ost*re dat*a* sive p*ro*nuntiat*a* fuerit Appellare a tal*i* Judicio Decret*o* sive sententia ad Predilectos et P*er*quam Fideles et Consiliarios N*ost*ros Reverendissimum in Christo Patrem Gulielmum Archiep*iscop*um Cantuariensem ac Archiep*iscop*um Cantua*riensem* pro tempore existen*tem* Petrum D*omi*num King Baronem de Ockham Cancellarium N*ost*rum Magne Britannie ac Cancellarium N*ost*rum Magne Britannie vel Magni N*ost*ri Sigilli Magne Britannie Custodem pro tempore existen*tem* Reverendissim*um* in Christo Patrem Lancelottum Archiep*iscop*um Eboracens*em* ac Archiep*iscop*um Eboracensem pro tempore existen*tem* Su[m]mum Thesaurari*um* N*ost*rum Magne Britannie pro tempore Existen*tem* Gulielmum Ducem Devonie Consilij N*ost*ri Privati Presidem ac Consilij Privati N*ost*ri Presidem pro tempore existen*tem* Thomam D*omi*num Trevor Privati Sigilli N*ost*ri Custodem ac Privati Sigilli N*ost*ri Custodem pro tempore existen*tem* Lionel*lum* Cranfield Ducem de Dorset Seneschallum Hospitij N*ost*ri ac Seneschallum Hospitij N*ost*ri p*ro* tempore existen*tem* Carolum Ducem de Grafton Hospitij N*ost*ri Camerarium ac Hospitij N*ost*ri Camerari*um* p*ro* tempore existen*tem* Thomam Ducem Novi Castri

vnum Primariorum Secretariorum Nostrorum Status Thomam Comitem de Westmorland Jacobum Comitem de Berkeley Primarium Admiralitatis Nostra Co[m]missarium ac Summum Admirallum Nostrum atque Primarium Admiralitatis Nostre Commissarium pro tempore existentem Carolum Vicecomitem Townshend Alterum Primariorum Secretariorum Nostrorum Status ac Primarios Secretarios Nostros Status pro tempore existentes Spencer Compton Militem de Balneo Domus Nostre Communium Prolocutorem ac Domus Nostre Communium Prolocutorem pro tempore existentem Robertum Walpole Nobilissimi Ordinis Periscelidis Equitem Scaccarij Nostri Cancellarium ac Erarij Nostri Primarium Co[m]missarium atque Scaccarij Nostri Cancellarium et Erari[j] Nostri Primarium Co[m]missarium pro tempore existentem Robertum Raymond Militem Capitalem Justiciarium Nostrum ad Placita coram Nobis tenenda Assignatum ac Capitalem Justiciarium nostrum ad Placita coram Nobis tenenda Assignatum pro tempore existentem Josephum Jekyll' Militem Magistrum Rotulorum Cancellarie Nostre ac Magistrum Rot[u]lorum Cancellarie Nostre pro tempore existentem et Robertum Eyre Militem Capitalem Justiciarium Nostrum de Communi Banco ac Capitalem Justiciarium Nostrum de Communi Banco pro tempore existentem Quibus quidem Gulielmo Archiepiscopo Cantuariensi ac Archiepiscopo Cantuariensi pro tempore existenti Petro Domino King ac Cancellario Nostro Magne Britannie vel Magni Sigilli Nostri Magne Britannie Custodi pro tempore existenti Lancelotto Archiepiscopo Eboracensi ac Archiepiscopo Eboracensi pro tempore existenti Summo Thesaurario Nostro Magne Britannie pro tempore existenti Gulielmo Duci Devonie ac Consilij Privati Nostri Presidi pro tempore existenti Thome Domino Trevor ac Privati Sigilli Nostri Custodi pro tempore existenti Lionel Cranfield Duci de Dorset ac Seneschallo Hospitij Nostri pro tempore Existenti Carolo Duci de Grafton ac Hospitij Nostri Camerario pro tempore existenti Thome Duci Novi Castri Thome

Comiti de Westmorland Jacobo Comiti de Berkeley ac Summo Admirallo Nostro atq*ue* Primario Admiralitatis N*ost*re Co*m*missario pro tempore existen*ti* Carolo vicecomiti Townshend ac Primarijs Secretarijs N*ost*ris Status pro tempore existen*tibus* Spencer Compton ac Domus N*ost*re Co[m]-mun*ium* Prol[o]cutori pro tempore existen*ti* Rob*er*to Walpole ac S*caccar*ij N*ost*ri Cancellario atq*ue* Erarij N*ost*ri Primario Co*m*missario pro tempore existen*ti* Rob*er*to Raymond ac Capit*a*li Justiciario N*ost*ro ad Pl*a*cita coram Nobis tenend*a* Assign*ato* pro tempore existen*ti* Josepho Jekyll' ac Mag*ist*ro Rot*u*lorum Cancellar*ie* N*ost*re pro tempore existen*ti* atque Rob*er*to Eyre ac Capit*a*li Justiciario N*ost*ro de Co*mmun*i Banco pro tempore existen*ti* existen*tibus* de Privato Consilio N*ost*ro vel aliquib*us* trib*us* vel plurib*us* eorundem existen*tibus* de Privato Consilio N*ost*ro Plenam Potestatem et Authoritatem de tempore in tempus Audiendi et finaliter terminandi Omnes et singul*as* tal*es* Appellac*ione*s et tal*ia* Judic*ia* Decret*a* sive Senten*cias* Affirmandi Mutandi sive Revocandi et Finaliter Judic*ia* sive Senten*cias* sup*er*inde Dand*i* et Pronuntiand*i* Damus et Concedimus per p*re*sentes in t*a*m amplis modo et forma q*ua*m Co*m*missionarij sub Magno Sigillo N*ost*ro Magne Britannie Constituti et Assignati virtute Statuti Anno Regni D*omi*ni Henrici nuper Regis Angl*ie* Octavi vicesimo quinto editi Intitulati An Act for the Submission of the Clergy and Rest[r]aint of Appeales in Appellac*ion*ib*us* ipsorum Determinacion[i] p*er* Statut*um* p*re*dict*um* Subject*is* p*ro*cedere possint aut debeant Aliquo in P*re*sentib*us* conten*to* in contrariu*m* in aliquo Non obstan*te* Mandantes insuper et p*er* p*re*sentes p*ro* Nobis heredib*us* et Successorib*us* N*ost*ris firmiter iniungendo P*re*cipientes t*a*m o*mn*ibus et sing*u*lis Gub*er*natorib*us* Generalib*us* Judicib*us* et Justiciarijs N*ost*ris q*ua*m o*mn*ib*us* et sing*u*lis Rectorib*us* Incumbentib*us* Ministris Officiarijs et Subditis N*ost*ris quib*us*cunq*ue* infra Colonias Plantac[i]ones ceteraq*ue* D*omi*nia N*ost*ra pred*ict*a in America q*uo*d ipsi et eor*um* quili-

bet Tibi p*refato* Ep*iscopo* Londin*iensi* et Co*m*missario sive Co[m]missariis p*redict*is in debita execu*c*ione p*re*missor*um* sit et sint Intendentes et Auxiliantes in o*mn*ibus prout decet. In cujus rei *etcetera* Teste Rege apud Westm*onasterium* nono die Februarij:

Per Br*eve* de Privat*o* Sigillo.[1]

—*Patent Roll, No. 3565, 13 George I, Part 4, No. 3 dorse.*

[1] The late Mr. R. E. G. Kirk of London, to whom we were indebted for collating our copy of this Commission with the Patent Roll, stated that this enrolment is a transcript from the original letters patent, which may still be extant, perhaps in the Registry of the Bishop of London. As usual in enrolments, the first and last clauses are abbreviated. The letters patent no doubt began thus: "Georgius, Dei gratia Rex Magne Britannie," *etc.*; and ended thus:

In cuius rei testimonium presentes has literas nostras fieri fecimus patentes. Teste meipso, apud Westmonasterium, nono die Februarij, anno regni nostri terciodecimo.

With respect to this Commission, see the Publications of this Society, v. 112–115, where will be found an English translation of a part of the Commission and a letter from Mr. Goodell relating to it. A translation of the Commission in full will be found in the Appendix to this volume, pp. 381–385, *post.* This Commission was revoked and a new Commission, which follows, was issued to Gibson by George II on 29 April, 1728.

BISHOP GIBSON'S SECOND COMMISSION

29 April, 1728

De Concessione. Bishop of London. Commission.

Rex &c. Reverendo in Christo Patri Edmundo permissione Divina Episcopo Londinensi Salutem Cum Colonie plantaciones ceteraque Dominia Nostra in America nondum divisa vel formata neque alicui Diecesi infra Regnum nostrum Magne Britannie annexa existant Racione cuius Jurisdiccio in Causis Ecclesiasticis in illis vel eorum aliquo orientibus Nobis vt Supremo Ecclesie in terris Capiti solummodo spectat ac Nobis necessarium visum sit ut deinceps Jurisdiccio Spiritualis et Eccl[es]iastica in Regionibus illis in Casibus inferius in his presentibus mencionatis Authoritate Nostra Regia secundum leges et Canones Eccl[es]ie Anglicane infra Angliam legitime receptos et sancitos instituatur et excerceatur qua sincerus Dei Cultus Religionisque Christiane Pura Professio melius promoveatur Cumque Regalis Pater Noster Georgius primus nuper Rex Magne Britannie &c. per literas suas Patentes sub Magno Sigillo suo Magne Britannie confectas gerentes Datam apud Westmonasterium nono die Februarij Anno Regni sui decimo tertio Dederit et Concesserit tibi prefato Episcopo Londinensi Plenam Potestatem et Authoritatem per te vel per sufficientem Commissarium tuum vel Commissarios tuos sufficientes per te Substituendos et nominandos exercendi Jurisdiccionem Spiritualem et Eccl[es]iasticam in respectivis Colonijs Plantacionibus ceterisque Dominijs suis in Americe durante Beneplacito dicti nuper Regis prout per easdem literas Patentes (relacione inde habita) plenius liquet et apparet Sciatis modo quod Nos Re-

vocavimus et Determinavimus ac per presentes Revocamus et Determinamus dictas recitatas literas Patentes ac omnia et singula in eisdem contenta Et vlterius Sciatis quod Nos de vestris Sincera Religione et Doctrina ac Morum probitate et in rebus gerendis provida Circumspeccione et Industria plurimum in hac parte Confidentes de Gratia nostra speciali ac ex certa Scientia et mero motu Nostris Dedimus et Concessimus ac per presentes Damus et Concedimus tibi prefato Episcopo Londinensi plenam Potestatem et Authoritatem per te vel per sufficientem Commissarium tuum sive Commissarios tuos sufficientes per te Substituendos et Nominandos exercendi Jurisdiccionem Spiritualem et Eccl[es]iasticam in Respectivis Colonijs Plantacionibus ceterisque Dominijs Nostris in America secundum leges et Canones Ecclesie Anglicane infra Angliam legitime receptos et sancitos in Specialibus Causis et Materijs inferius in his presentibus expressis et specificatis Ac pro Declaracione Regalis voluntatis Nostre quoad speciales Causas et materias in quibus Jurisdiccionem antedictam virtute huius Commissionis nostre exerceri volumus Dedimus vlterius et Concessimus Ac [per] presentes Damus et Concedimus tibi prefato Episcopo Londinensi plenam Potestatem et Authoritatem per te vel per sufficientem Commissarium tuum sive Commissarios tuos sufficientes per te Substituendos et Nominandos visitandi Omnes Ecclesias in Colonijs Plantacionibus ceter[i]sque Dominijs Nostris predictis in America in quibus Divinum Servitium iuxta Ritus et liturgiam Ecclesie Anglicane celebratum fuerit ac omnes Ecclesiarum [predictarum] Rectores Curatos Ministros et Incumbentes sive alio quocunque nomine vocatos ac omnes Presbyteros et Diaconos in Sacris Ordinibus Ecclesie Anglicane constitutos cum omni et omnimoda Jurisdiccione Potestate et Coercione Eccl[es]iastica quoad premissa requisita et ad dies horas et loca competentia quecunque quoties et quandocunque tibi sive Commissario vel Commissarijs predictis magis congrua et opportuna videbuntur

p*redict*os Rectores Curatos Ministros Incumbentes P*res*byteros vel Diaconos in Sacris Ordinib*us* Eccl*es*ie Anglicane constitut*os* aut aliquem vel aliquos eor*um* et non alias quascunq*ue* p*er*sonas coram te vel Co[m]missario sive Co*m*missarijs p*redict*is evocand*i* et per Testes p*er* te sive Co[m]missariu*m* vel Co*m*missarios p*redict*os in debita Juris forma iurandos alijsq*ue* vijs et modis l*eg*itimis quib*us* de Jure melius et Efficacius id fieri possit inquirendi de morib*us* eorundem s*ecund*u*m* leges et Canones Eccl*es*ie Anglicane p*er*tinentib*us* p*er*agend'[1] ac etiam quecunq*ue* Juramenta licita in Curijs Eccl[es]iasticis consueta Ministrand*i* ac Corrigend*i* et puniend*i* p*redict*os Rectores Ministros Incumbentes P*res*byteros et Diaconos in Sacris Ordinib*us* Eccl*es*ie Anglicane constitut*os* iuxta eor*um* Demerite sive p*er* Amoc*i*onem Suspenc*i*onem Exco[m]munica*cion*em vel aliud quodcunq*ue* Genus Censurar*um* Eccl[es]iastica*rum* aut Correcc*i*onum debitar*um* iuxta Canones et leges Eccl[es]iasticas p*redict*as Et vlterius de vberiori Gratia n*ost*ra Dedimus et Concessimus Ac per p*res*entes Damus et Concedimus tibi p*refat*o Ep*iscop*o Londinensi plenam potestat*em* et authoritat*em* de tempore in tempus No[m]i[n]andi et Substituendi sub manu tua et Sigillo tuo Ep*iscop*ali Co*m*missarios sufficientes ad *omn*ia et sing*ul*a p*re*missa in sep*aral*ib*us* et respectivis Colonijs Plantac*i*onib*us* et D*omi*nijs p*redict*is in America iuxta tenorem et veram Intenc*i*onem huius Co[m]missionis n*ost*re exercend*a* et exequend*a* cum effectu et tal*es* Co*m*missarios amo[v]endi et mutandi de tempore in tempus p*ro*ut tibi expediens videbitur Habend*um* et gaudend*um* omnes et sing*u*las Potestates et Authoritates ante d*ict*as tibi p*refat*o Ep*iscop*o Londinensi Q*ua*mdiu Nobis Pla[c]uerit Volumus tamen ac p*er* p*res*entes Declaramus et Ordinamus q*uo*d bene liceat et licebit alicui personae sive aliquib*us* p*er*sonis quib*us*cunq*ue* in quam vel in quas aliquod Judiciu*m* Decret*um* sive Sententia

[1] Mr. Kirk, who furnished us with a copy of this Commission from the Patent Roll, stated that in the printed copy "ptiñ pagend̄" are said to be inserted in the original, "as it seems by mistake of the clerk."

virtute huius Co*m*missionis N*o*stre dat*um* sive p*r*onuntiat*um* fuerit appellare a tal*i* Judicio Decreto sive Sententia ad p*r*edilec*t*os et p*er*qu*a*m Fidel*es* Consiliar*ios* N*ost*ros Reverendissimu*m* in Christo Patrem Gulielmu*m* Archiep*iscop*um Cantuariensem et Archiep*iscop*um Cantuariensem pro tempore existen*tem* Petru*m* D*omi*num King Baronem de Ockham Cancellariu*m* N*ost*rum Magne Britannie et Cancellarium N*ost*rum Magne Britannie vel Magni n*ost*ri Sigilli Magne Britannie Custodem p*ro* tempore existen*tem* Reverendissimu*m* in Christo Patrem Lancellottu*m* Archiep*iscop*um Eboracensem ac Archiep*iscop*um Eboracensem p*ro* tempore existen*tem* Su*m*mum Thesaurariu*m* N*ost*rum Magne Britannie pro tempore existen*tem* Will*el*mu*m* Ducem Devonie Consilij n*ost*ri Privati P*re*sidem ac Consilij Privati N*ost*ri P*re*sidem pro tempore existen*tem* Thomam D*omi*num Trevor Privati Sigill*i* N*ost*ri Custodem ac Privati Sigilli N*ost*ri Custodem p*ro* tempore existen*tem* Lionel*em* Cranfield Ducem de Dorset Senescallum Hospitij N*ost*ri p*ro* tempore existen*tem* Carolu*m* Ducem de Grafton Hospitij N*ost*ri Camerariu*m* ac Hospitij N*ost*ri Camerar*ium* pro tempore existen*tem* Thomam Ducem Novi Castri vnu*m* Primarior*um* Secretarior*um* N*ost*ror*um* Status Thomam Comitem de Westmorland Carolu*m* Vicecomitem Townshend alteru*m* Primarior*um* Secretarior*um* n*ost*ror*um* Status ac Primarios Secretar[i]os N*ost*ros Status pro tempore existen*tes* Georgiu*m* Vicecomitem de Torrington Primariu*m* Admiralitatis N*ost*re Co[m]missariu*m* ac Summum Admirallu*m* n*ost*rum atq*ue* Primar*ium* Admiralitatis N*ost*re Co[m]missariu*m* p*ro* tempore existen*tem* Arthuru*m* Onslow Ar*migerum* Domus N*ost*re Commun*ium* Prolocutotorem Ac Domus n*ost*re Commun*ium* Prolocutorem pro tempore existen*tem* Rob*er*tum Walpole Nobilis[s]imi Ordinis Periscelidis Equitem S*caccar*ii N*ost*ri Cancellariu*m* ac Erarij N*ost*ri Primar*ium* Co[m]missar[i]u*m* atq*ue* S*caccar*ij N*ost*ri Cancellariu*m* et Erarij Nostri Primar*ium* Co*m*missariu*m* pro tempore existen*tem* Rob*er*tum Raymond Mil*item* Capital*em* Justiciar[i]u*m* n*ost*rum ad pl*a*-

cita coram Nobis tenend*a* Assign*atum* ac Capital*em* Justiciar*ium* n*ost*rum ad Pl*ac*ita coram Nobis tenend*a* Assign*atum* pro tempore existen*tem* Josephum Jekyll Militem Mag*ist*rum Rot*ulor*um Cancellar*ie* N*ost*re ac Mag*ist*rum Rot*ulor*um Cancellar*ie* n*ost*re pro tempore existen*tem* Et Rob*er*tum Eyre Militem Capital*em* Justiciarium N*ost*rum de Co[m]muni Banco ac Capital*em* Justiciar*ium* N*ost*rum de Co*m*muni Banco p*ro* tempore existen*tem* Quib*us* quidem Will*elm*o Archiep*iscop*o Cantuarensi ac Archiep*iscop*o Cantuarensi pro tempore Existen*ti* Petro D*omi*no King ac Cancellario N*ost*ro Magne Britannie vel Magni Sigill*i* N*ost*ri Magne Britannie Custodi p*ro* tempore existen*ti* Lancellotto Archiep[iscop]o Eboracensi Ac Archiep*iscop*o Eboracensi pro tempore existen*ti* Summo Thesaurio n*ost*ro Magne Britannie pro tempore existen*ti* Will*elm*o Duci Devonie ac Consilij Privati n*ost*ri P*res*idi p*ro* tempore existen*ti* Thome D*omi*no Trevor ac Privati Sigilli N*ost*ri Custodi p*ro* tempore existen*ti* Lionel*i* Cranfield Duci de Dorset ac Senescallo Hospitij n*ost*ri pro tempore existen*ti* Caroli Duci de Grafton ac Hospitij N*ost*ri Camerario p*ro* tempore existent*i* Thome Duci Novi Castri Thome Comiti de Westmorland Carolo Vicecomiti Townshend ac Primarijs Secretarijs n*ost*ris Status pro tempore existen*tibus* Georgio Vicecomiti Torrington Ac Summo Admirallo N*ost*ro atq*ue* Primario Admiralitatis N*ost*ra Co[m]missario pro tempore [existenti] Arthuro Onslow ac Domus n*ost*re Commun*ium* Prolocutori p*ro* tempore existen*ti* Rob*er*to Walpole ac S*cacc*arij n*ost*ri Cancellario Atq*ue* Erarij N*ost*ri Primario Co*m*missario pro tempore existen*ti* Rob*er*to Raymond et Capital*i* Justiciar*io* N*ost*ro ad pl*ac*ita coram nobis tenend*a* Assign*ato* p*ro* tempore existen*ti* Josepho Jekyll ac Mag*ist*ro Rotulor*um* Cancellarie N*ost*re p*ro* tempore existen*ti* atq*ue* Rob*er*to Eyre Ac Capital*i* Justiciar*io* N*ost*ro de Co[m]muni Banco pro tempore existen*ti* de Privato Concillio Nostro existen*tibus* vel aliquib*us* trib*us* vel plurib*us* eorundem existen*tibus* de Privato Consilio N*ost*ro Plenam Potestatem et

Authoritatem de tempore in tempus audiendi et finaliter terminandi omnes et sing[u]las tales appellaciones et talia Judicia Decreta sive Sententias affirmandi mutandi sive revocandi et finaliter Judicia sive Sententias superinde dandi et pronuntiandi Damus et Concedimus per presentes in tam amplis modo et forma quam Commissionarij sub Magno Sigillo Nostro Magne Britannie constituti et Assignati virtute Statuti Anno Regni Domini Henrici nuper Regis Anglie Octavi vicesimo quinto editi Intitulati (An Act for the Submission of the Clergy and Restraint of Appeales) in Appellacionibus ipsorum Determinacioni per Statutum predictum Subiectis procedere possint et debeant aliquo in presentibus contento in contrarium in aliquo non obstante Mandantes insuper et per presentes firmiter iniu[n]gendo precipientes tam omnibus et singulis Gubernatoribus Generalibus Judicibus et Justiciariis Nostris quam omnibus et singulis Rectoribus Incumbentibus Ministris Officiarijs et Subditis Nostris quibuscunque infra Colonias Plantaciones ceteraque Dominia nostra predicta in America quod ipsi et eorum quilibet tibi prefato Episcopo Londinensi et Co[m]missario sive Commissarijs predictis in debita Execucione premissorum sit et sint Intendentes et Auxiliantes in omnibus prout decet In cuius rei &c. Teste Rege apud Westmonasterium vicesimo nono die Aprilis.

Per Breve de Privato Sigillo.[1]

—*Patent Roll, No. 3572, 1 George II, Part 7, No. 16.*

[1] Mr. Kirk stated that the original, in Colonial Office, Class 323, Volume 9, No. 10, begins thus: "Georgius Secundus, Dei gratia Magnæ Britanniæ, Franciæ, et Hiberniæ, Rex, fidei defensor, &c. Reverendo," *etc.;* and ends thus:

In cujus rei Testimonium, has literas nostras fieri fecimus patentes. Teste meipso apud Westmonasterium, vicesimo nono die Aprilis, Anno Regni nostri primo. Per Bre' de Privato Sigillo. Bisse & Bray.

It should be added that this Commission is printed, both in Latin and in English, in Documents relative to the Colonial History of the State of New York, v. 849–854. A translation will be found in the Appendix to this volume, pp. 386–390, *post.*

APPENDIX

LORD WILLOUGHBY'S COMMISSION

AS

VICE-ADMIRAL OF BARBADOS, ETC.

26 JANUARY, 1666–7

THE DUKE OF YORK'S COMMISSION[1] CONSTITUTING THE LORD WILLIAM WILLOUGHBY VICE-ADMIRAL OF THE BARBADOS AND THE REST OF THE CARIBBEE ISLANDS IN AMERICA[2]

James, Duke of York and Albany, Earl of Ulster, Constable of the Castle of Dover, Lord Warden of the Cinque Ports, Governor of the Town of Portsmouth, Knight of the Illustrious Order of the Garter, Lord High Admiral of England and Ireland and Wales and of the dominions and islands of the same, Captain General of the Town of Calais or the Marches of the same, of Normandy, Gascony, and Aquitaine, and of the fleet and seas of the said Kingdoms of England and Ireland, and likewise Lord High Admiral of the dominions of New England, Jamaica, Virginia, Barbados, Saint Christopher, [and] Antigua, in America, of Guinea, Benin,[3] and Angola in Africa, of Tangia or Tangiers, a province of the Kingdom of Fez in Africa aforesaid, and of the islands and dominions of the same, and of all and singular other dominions whatsoever in parts beyond the sea unto our Most Serene Lord and brother Charles the Second, by the Grace of God King of Great

[1] The translation of the Latin Commissions of Vice-Admirals (pp. 187–236, *ante*) has been made with constant reference to the English phraseology of William Shirley's Commission (pp. 237–246, *ante*), and of the Commission of Hans Stanley as Vice-Admiral in the Isle of Wight in 1765 (as printed in Sir Sherston Baker, The Office of Vice-Admiral of the Coast, 1884, pp. 51–63).

[2] The Latin text of this Commission will be found on pp. 187–198, *ante*.

[3] Or *Binney*, as Benin was then sometimes called. See Rymer's Fœdera, xix. 370. The Latin text (p. 187, *ante*) has *Binniæ*.

Britain, France, and Ireland, etc., belonging, and Captain General of the fleets and seas of the said places, — to our beloved **William Baron Willoughby of Parham**, Captain General and Governor in Chief of the Island of Barbadoes and of the other Caribbee Islands, etc., *Greeting*:

1. To take cognizance of and proceed in whatsoever causes civil and maritime, and in complaints, contracts, offences or suspected offences, crimes, pleas, debts, exchanges, accounts, charter parties, agreements, suits, trespasses, injuries, extortions, demands, or businesses civil and maritime whatsoever, commenced or to be commenced between merchants, or between owners and proprietors of ships and all other vessels and merchants, or others whomsoever with such owners and proprietors of ships and all other vessels whatsoever employed and used within the jurisdiction of our Most Serene Lord the King his Admiralty of Barbados and the other Caribbee Islands and of all and singular other islands, colonies, and plantations belonging to our Most Serene Lord the King lying between ten and twenty degrees of North Latitude and extending toward the East from the Island of Saint John of Portorico to three hundred and twenty-seven degrees, or of whatsoever parts of islands and places adjacent to the same, or between any other persons whomsoever had, made, begun, or contracted for any thing, matter, cause, or business, or injury whatsoever, done or to be done as well in, upon, or by the sea or public rivers, fresh waters, ports, streams, or creeks, and places overflowed whatsoever within the flowing and ebbing of the sea and to high-water mark, or upon the shores or banks whatsoever adjacent to the same or to any one of them from whatsoever first bridges toward the sea, throughout[1] the Island of Barbados and the other places aforesaid or the dominions of the same or elsewhere beyond the sea or in whatsoever parts beyond the sea, together with all and singular their incidents, emergencies, dependencies, annexed and connexed causes and businesses whatsoever, [wheresoever][2] or howsoever such causes and complaints, contracts and other premises abovesaid, or any one of them, may

[1] The Latin text (p. 188, l. 26, *ante*) has *vel*, but we should certainly read *per* ("throughout"). See Andros's Second Commission, p. 204, l. 23, *ante*, and cf. Rymer's Fœdera, xv. 158, 194.

[2] Here *ubicunque* should doubtless be inserted in the Latin text (p. 188, l. 31, *ante*). See Phips's Commission, p. 207, l. 2, *ante*.

happen to arise, be celebrated, contracted, or done, to hear and determine according to the laws civil and maritime and the customs received in the Principal Court of our foresaid Lord the King his Admiralty of Barbados and of the other places aforesaid and in whatsoever maritime parts of them and adjacent to every of them:

2. And moreover in all and singular complaints, contracts, agreements, and causes and businesses civil and maritime to be performed or contracted beyond the sea or to be fulfilled in the foresaid Island of Barbados and the places aforesaid or the adjacent island parts of the same, howsoever arising or happening:

3. And also in the other causes and matters all and singular which in any manner whatsoever touch or in any way concern, or by right ought to have belonged or ought to belong unto the maritime jurisdiction of our foresaid Lord the King his Admiralty aforesaid in the foresaid Island of Barbados and the other places aforesaid and the insular parts to the same adjacent whatsoever:

4. And generally in all and singular other causes, suits, crimes, offences, excesses, complaints, injuries, misdemeanors or suspected misdemeanors, regratings, forestallings, and maritime businesses whatsoever throughout the places aforesaid within the maritime jurisdiction of our foresaid Lord the King his Admiralty of Barbados and of other places aforesaid, by sea or water or the banks or shores of the same, howsoever done, committed, perpetrated, or arising:

5. And also to inquire by the oath of honest and lawful men of the said Island of Barbados and other places aforesaid and the beyond-sea and insular parts of the same and to every of the same adjoining, wheresoever dwelling, as well within liberties and franchises as without, as well concerning all and singular the things [which][1] of right by the statutes, ordinances, and customs of the foresaid Principal Court of Admiralty ought to be inquired after, as concerning wreck of the sea and concerning all and singular the goods and chattels of whatsoever traitors, pirates, manslayers, and felons, howsoever offending within the maritime jurisdiction of our foresaid Lord the King his Admiralty aforesaid, and concerning the goods, debts, and chattels of all and singular their maintainers, accessories, counsellors, abettors, or assistants whomsoever:

6. And also concerning the goods, debts, and chattels of whatso-

[1] The Latin text (p. 189, l. 29, *ante*) erroneously omits *quæ*. See Phips's Commission, p. 207, l. 29, *ante*.

ever other persons felons of themselves, and of whatsoever person felon of himself, in whatsoever manner or howsoever coming to their death within the maritime jurisdiction aforesaid, wheresoever such goods, debts, and chattels or any parcel of the same, by sea, water, or land in the said Island of Barbados and other places aforesaid and maritime parts of the same and to every of them adjoining whatsoever, as well within liberties and franchises as without, shall be found or to be found, forfeited or to be forfeited, or in being, whatsoever [they may be]:

7. And also concerning whatsoever goods, debts, and chattels of whatsoever other persons felons of themselves, and of whatsoever other [person] felon of himself, found or to be found or happening within the maritime jurisdiction aforesaid:

8. And moreover as well concerning the goods, debts, and chattels of whatsoever other traitors, felons, and manslayers, wheresoever offending within the jurisdiction aforesaid, and concerning the goods, debts, and chattels of their maintainers, accessories, counsellors, abettors, or assistants,[1] and concerning the goods, debts, and chattels of whatsoever fugitives, persons attainted, convicted, outlawed, or howsoever put or to be put in exigent for treason, felony, manslaughter, or murder, or any other offence whatsoever, or crime

9. And also concerning goods waving, flotsam, jetsam, lagan, shares, treasure found or to be found, deodands, and concerning the goods of [all] others whomsoever had or to be had as derelict or by chance found[2] or to be found, or howsoever due or to be due, and concerning all other casualties, as well in, upon, or by the sea and shores, creeks, or coasts of the sea, or maritime parts, as in, upon, or by fresh waters, ports, public rivers, streams, or creeks whatsoever, or places overflowed within the flowing and ebbing of the sea, or to high-water mark, or upon the shores or banks of any one of the same, from whatsoever first bridges toward the sea, howsoever, whensoever, or in what manner soever arising, happening, or proceeding, whatsoever [they may be], or wheresoever the goods, debts, chattels, or other the premises or any parcel of the same may be found or shall happen to be found within the maritime jurisdiction

[1] The Latin text (p. 190, l. 22, *ante*) has *existen*tium by error for *assisten*tium. See Phips's Commission, p. 208, l. 22, *ante*.

[2] The Latin text (p. 190, l. 30, *ante*) has *report*is by error for *reper*tis. See Phips's Commission, p. 208, l. 30, *ante*.

of the Island of Barbados and of other places aforesaid or insular parts aforesaid adjoining to the same:

10. And further concerning anchorages and lastages or sand ballast of ships, and concerning fishes royal (to wit, sturgeons, baleens,[1] whales, porpoises, dolphins, rigs, and grampuses) and generally concerning particular fishes whatsoever having in themselves great or huge bulk or fatness by right or custom to our abovesaid Lord the King in the said office of his Admiralty of Barbados aforesaid and of other places aforesaid appertaining or in any way belonging:

11. To ask, require, levy, take, collect, receive, and obtain, and to the use of [our] foresaid Lord the King and of the office of his High Admiral aforesaid for the time being to keep and preserve the same wreck of the sea and goods, debts, and chattels and all and singular other the premises, together with all and all manner of fines, mulcts, issues, forfeitures, amercements, ransoms, and recognizances whatsoever, forfeited[2] or to be forfeited, and pecuniary punishments for trespasses, crimes, injuries, extortions, contempts, and other misdemeanors whatsoever, or for any other thing, matter, or cause whatsoever imposed or inflicted, to be imposed or inflicted, — howsoever, in the said Island of Barbados and other islands, colonies, and plantations aforesaid or maritime parts of the same and to every of them adjacent whatsoever, presented or to be presented, assessed, brought, forfeited, or adjudged in the Court of Admiralty of Barbados and of other places aforesaid held or to be held, and also together with [all] amercements, issues, fines, perquisites, mulcts, and pecuniary punishments whatsoever and forfeitures of [all] recognizances whatsoever before you or your deputy or deputies or other justices of our foresaid Lord the King or his heirs and successors their Admiralty of Barbados aforesaid and of other places aforesaid, or before three of the same, appointed or to be appointed by commissional letters patent of our said Lord the King, his heirs or successors, according to the statutes thereupon made and provided and the customs received in the Principal Court of our said Lord the King his Admiralty aforesaid made[3] and to be

[1] An old word for "whale."

[2] The Latin text (p. 191, l. 23, *ante*) has *forisfacturis* by error for *forisfactis*. See Phips's Commission, p. 209, l. 18, *ante*.

[3] *Made* agrees with *letters*, above.

made under the Great Seal of England, for[1] hearing and determining (in the said Island of Barbados and other places aforesaid and maritime parts of the same or to any of them adjacent whatsoever) all and singular treasons, robberies, felonies, murders, manslaughters, confederacies, and other offences, trespasses, contempts, misprisions, spoils, and misdemeanors committed or to be committed within the maritime jurisdiction aforesaid, happening,[2] imposed or to be imposed or to be inflicted or in any other manner by reason of the premises howsoever due or to be due to our Lord the King or his heirs or successors:

12. And further to take all manner of recognizances, cautions, obligations, and stipulations, as well to the use of our foresaid Lord the King as to our use, or at the instance of whatsoever parties, for agreements or debts and other causes whatsoever, and to put them in execution and to cause and command them to be executed:

13. And also actually to arrest or cause and command to be arrested, according to the civil and maritime laws and the customs received and used in the Court of Admiralty of our Lord the King, ships, persons, things, goods, wares and merchandises whatsoever, for the premises and every of them and for [all] other causes whatsoever concerning them,[3] wheresoever they shall be met with or found in the said Island of Barbados and other places aforesaid or maritime parts of the same or to every of them adjoining whatsoever, within liberties and franchises or without, and also for [all] other agreements, causes, or offences whatsoever, howsoever contracted or arising, provided that the goods and persons of the debtors may be found within the jurisdiction aforesaid, and to hear, examine, discuss, and finally determine the same with their emergencies, dependencies, incidents, annexed and connexed causes and businesses whatsoever, together with all other causes civil and maritime and complaints, contracts, and all and every the other prem-

[1] Here the Latin text (p. 192, l. 6, *ante*) has *Ac* and begins a new paragraph. The MS is unreadable as printed. The scrivener or copying clerk did not heed or understand the sense. The emendation *ad* is certain (see the formula in Rymer's Fœdera, xv. 195). The connection is: "appointed or to be appointed . . . for hearing and determining . . . all and singular the treasons," etc.

[2] These participles and adjectives belong grammatically to "amercements, issues, fines, perquisites, mulcts, and pecuniary punishments whatsoever and forfeitures of [all] recognizances" in lines 26-28, p. 361, *ante*.

[3] I. e., the premises.

ises whatsoever above respectively expressed, according to the laws and customs aforesaid and by other lawful ways, manners, and means according to the best of your knowledge and ability:

14. And to compel all manner of persons in that behalf, as the case shall require, to answer, with power of any temporal coercion and of any other penalty and mulct, according to the laws and customs aforesaid, in order to do and administer justice, and also to proceed, not observing the regular order of law, or openly and plainly, without judicial technicalities and formalities, looking only into the truth of the fact and thing,[1] and to fine, correct, punish, chastise, and reform, imprison and cause and command to be imprisoned in any jails being[2] within the Island of Barbados and other places aforesaid and maritime places of the same or to every of them adjacent, the parties guilty and contemners and violators of the law or jurisdiction of our foresaid Lord the King his Admiralty of Barbados and other places aforesaid, usurpers, delinquents, and contumacious absenters, masters of ships, mariners, rowers, fishermen, shipwrights, and other workmen and artificers whatsoever exercising any kind of maritime affairs, as well according to the said civil and maritime laws and the customs and ordinances aforesaid and their demerits as according to the laws and in conformity with the statutes and ordinances of our above-said Lord the King and of his kingdom of England aforesaid in that behalf made and provided and by the power to us in this behalf granted, and to deliver and absolutely discharge and cause and command to be discharged whatsover persons imprisoned in that behalf are to be discharged:

15. And [to preserve and cause to be preserved][3] the public rivers, ports, streams, and fresh waters and creeks whatsoever within the maritime jurisdiction aforesaid, wheresoever they are in the foresaid Island of Barbados and other places aforesaid and maritime parts of the same and to every of them adjacent whatso-

[1] The Latin text (pp. 192–193, *ante*) is somewhat corrupt here. For a better reading, see Phips's Commission (p. 211, *ante*; with translation, p. 376, *post*, and the footnote).

[2] The Latin text (p. 194, l. 3, *ante*) erroneously omits "being" (*existentibus*) here and adds "and being" (*ac existentia*) to "adjacent" (*adjacentia*). Compare Phips's Commission, p 211, l. 11, *ante*.

[3] See p. 377 note 1.

ever, for the preservation as well of the fleet of his Royal Majesty and of the fleets and vessels of his kingdoms and dominions as of whatsoever fishes increasing in the same rivers and places aforesaid:

16. And also to keep and cause and command to be executed and kept, in the said Island of Barbados and other islands, colonies, and plantations aforesaid and maritime and insular parts of the same and to every of them adjacent whatsoever, the ordinances and statutes whatsoever of our foresaid Lord the King and of his kingdom of England aforesaid in that behalf made and provided, in conformity with and according to the power to us in that behalf granted,[1] and to do, exercise, expedite, and execute all and singular other things in the premises and in every of them, as they by right and according to the laws, statutes, and ordinances aforesaid should be done:

17. And moreover to punish, correct, and reform nets too close and other unlawful contrivances or instruments whatsoever for the catching of fishes wheresoever, by sea or public rivers, ports, streams, fresh waters, or creeks, throughout the foresaid Island of Barbados and other places aforesaid and maritime parts of the same or to any of the same adjacent whatsoever, used or exercised by water within the jurisdiction aforesaid wheresoever, and the exercisers or occupiers of them, according to the said statutes and ordinances of our foresaid Lord the King and of his kingdom of England aforesaid to the contrary made and provided, and to pronounce, promulgate, and interpose all manner of sentences and decrees and to put them[2] in execution, with cognizance and jurisdiction of whatsoever other causes civil and maritime relate to the sea or in any manner of ways concern or respect the transit or passage of the sea, or naval or maritime voyage, or the maritime jurisdiction abovesaid, or the places or limits of the foresaid Admiralty of our Lord the King aforesaid and[3] cognizance aforementioned, and [all] other things whatsoever done or to be done, with power also to proceed in the same according to the civil and maritime laws and the customs received and used in the court aforesaid, as well of

[1] Literally "made" (*factam*) (p. 194, l. 17, *ante*).

[2] The Latin text (p. 195, l. 2, *ante*) has *eosque* by error for *eaque*. See Phips's Commission, p. 212, l. 9, *ante*.

[3] The Latin text (p. 195, l. 8, *ante*) has *ad* ("to or for") by error for *et* ("and"). See Phips's Commission, p. 212, l. 14, *ante*.

mere office, mixed and promoted,[1] as at the instance of any party, as the case shall require[2] and it shall seem expedient:

18. Also with cognizance and decision concerning wreck of the sea, great or small, and concerning the death, drowning, and view of dead bodies of [all] persons whatsoever, howsoever killed or drowned or to be killed or drowned, or murdered or to be murdered, or in any other manner coming to their death in the sea or public rivers, ports, fresh waters, or creeks whatsoever within the flowing and ebbing of the sea and to high water mark [throughout][3] the foresaid Island of Barbados and other places aforesaid and maritime parts of the same and to any one of them adjacent whatsoever, or elsewhere within the jurisdiction aforesaid, also together with the keeping and preserving of the statutes of this Kingdom of England concerning wreck of the sea and concerning the office of coroner in the third and fourth years of Edward the First, and of the statute concerning goods robbed on the sea, etc., in the twenty-seventh year of Edward the Third, sometime Kings of England, respectively made and provided:[4]

19. And together with the cognizance of mayhem in the places aforesaid within the jurisdiction and the flowing and ebbing of the sea and water, there happening,[5] with power also of punishing [all] delinquents in that kind whomsoever according to the exigency of the law and the custom of our Principal Court of Admiralty aforesaid, and to do, exercise, and execute all and singular the other things which in the premises only and about them shall be necessary or in any way soever fitting, by and according to the laws civil and maritime and the statutes and ordinances aforesaid and the style, manner, and custom of the Principal Court of our foresaid Lord the King his Admiralty of Barbados and of other places aforesaid, and according to the tenor of the letters patent of our foresaid Lord the King to us thereupon granted, so

[1] See p. 378 note 1.

[2] The Latin text (p. 195, l. 14, *ante*) has *exigit* ("requires") doubtless by error for *exiget* ("shall require"). See Phips's Commission, p. 212, l. 20, *ante*.

[3] *Per* is accidently omitted in the Latin text (p. 195, l. 20, *ante*). Cf. p. 358 note 1, *ante*.

[4] Grammar requires *editorum et provisorum* for the *edita et provisa* of the Latin text (p. 195, l. 30, *ante*.) The sense is beyond question.

[5] *Happening* belongs to *mayhem*.

far as they concern the office of Vice-Admiral and not otherwise (of which letters patent a copy is annexed to [these] presents):

20. To you, in whose fidelity and circumspection [and] zeal we confide very much in this behalf, we do commit by [these] presents and grant our place and authority in the said Island of Barbados and in other islands, colonies, and plantations aforesaid and maritime and insular parts of the same and to every of them adjacent whatsoever, and also throughout all and every the shores of the sea, public rivers, ports, streams, fresh waters, creeks, and arms as well of the sea as of rivers, and coasts whatsoever, of the same Island of Barbados and of other places aforesaid and maritime and insular parts of the same and to every of the same adjacent whatsoever, within liberties and franchises and without, with power of deputing and surrogating in your place in the premises one or more others as deputy or deputies as often as shall seem to you fitting, and also with power from time to time of naming, appointing, ordaining, assigning, and constituting whatsoever necessary, fit, and convenient officers and ministers (judge, register, and marshal always excepted) under you for the said office and exercise of the same in the said Island of Barbados and in other places aforesaid and maritime and insular parts of the same and to every of the same adjacent whatsoever, saving always our right of supreme admiralty of the said Island of Barbados and of other islands, colonies, and plantations aforesaid, from which we do not wish in anything to derogate by [these] presents, and saving the right of every one who shall be wronged or grieved by any definitive sentence or interlocutory decree in the Court of Admiralty aforesaid, to appeal to us or our Lieutenant, the Commissary General or Special[1] by us constituted or to be constituted:

21. And you, the foresaid William Baron Willoughby, we do by these presents, which are to continue during our good pleasure only, ordain, appoint, and depute our Vice-Admiral, Commissary, and Deputy in the office of Vice-Admiralty in and throughout the whole Island of Barbados and other islands, colonies, and plantations aforesaid and maritime and insular parts of the same and to every of them adjacent whatsoever, and also together with all and every the fees, profits, advantages, emoluments, commodities, and appurtenances whatsoever due and belonging to the same office of

[1] See p. 379 note 2.

Vice-Admiral, Commissary, or Deputy in the said Island of Barbados and other places aforesaid and maritime and insular parts of the same and to every of them adjacent whatsoever, according to the ordinances and statutes of the said High Court of our Lord the King his Admiralty of England:

22. Always provided, nevertheless, and under this stipulation and condition, that if you, the foresaid William Baron Willoughby, shall not yearly (to wit, at the end of every year between the feasts of Saint Michael the Archangel and All Saints or thereabout and as speedily as by reason of the distance of place and the uncertainty of the sea and winds it may conveniently be done) duly certify and cause to be effectually certified to us or our Lieutenant and our Commissary General or Special, by us appointed or to be appointed, concerning all that which from time to time by virtue of [these] presents you shall do, execute, collect, or receive in the premises or any of the premises, with your full and faithful account thereupon to be made under authentic form and to be sealed with the seal of the office aforesaid remaining in your custody, — from thence and after such default in that kind, our letters patent of the office of Vice-Admiralty to you (as is aforesaid) granted shall be null and void and of no force or effect:

23. Commanding further (on behalf of our Most Serene Lord the King and by his authority to us by his Highness in the premises for the due execution of the same granted) all and singular his governors, justices, mayors, sheriffs, captains, marshals, bailiffs, and keepers of [all] jails and prisons whatsoever of our said Lord the King, or constables and all other his officers and faithful subjects and lieges whomsoever, and every of them, as well within liberties and franchises as without, that, about the execution of the premises and of every of them, they be assiduous, favoring, assisting, submissive and, in such manner as is fitting, obedient in all things to you and to your deputy whomsoever and other officers (by you appointed or to be appointed) of our said Lord the King his Admiralty in the said Island of Barbados and other places aforesaid and maritime and insular parts of the same and to every of them adjacent whatsoever, under pain of contempt of the letters patent of our Lord the King himself and of his Royal Majesty and of the premises all and singular to us by the same letters patent made and granted and under the peril falling thereon.

Given at Whitehall under our seal of Admiralty, representing an anchor, which we use in this behalf, on the 26th day of January in the year of our Lord one thousand, six hundred and sixty-six and in the year of the reign of our Most Serene Lord Charles the Second, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, etc., the eighteenth.

JAMES

By command of his Royal Highness
WILLIAM COVENTRY

JOSEPH DUDLEY'S COMMISSION[1]

AS

VICE-ADMIRAL OF THE COLONY OF NEW ENGLAND

13 November, 1685

J. R.

James the Second, by the Grace of God of England, Scotland, France, and Ireland King, Defender of the Faith, &c.

Inasmuch as the office of Lord High Admiral of New England and other maritime places, formerly to us by the Most Serene King Charles the Second, our most dear brother, by his letters patent under the great seal of England granted, still remains in our royal person from divers causes us in that behalf specially moving, — to our beloved **Joseph Dudley**, Gentleman, *Greeting*:

To take cognizance of and proceed in whatsoever causes civil and maritime, and complaints, contracts, offences or suspected offences, crimes, pleas, debts, exchanges, accounts, charter parties, agreements, suits, trespasses, injuries, extortions, demands, and business civil [and] maritime, commenced or to be commenced, whatsoever, between merchants or between owners and proprietors of ships and all other vessels and merchants, or others whomsoever, with such owners and proprietors of ships and all other vessels whatsoever occupied or used within the jurisdiction of our Admiralty of our Colony of New England and maritime parts to the same adjoining, that is, from New York and Long Island toward the south and southwest to forty[2] degrees of North Latitude, or between whatsoever other persons, etc.

[1] The Latin text of this Commission will be found on pp. 199–200, *ante*.

[2] The Latin text (p. 200, l. 1, *ante*) has *quadrigenos* ("four hundred"), an error for *quadraginta* ("forty"). The same error occurs in Andros's Second Commission, p. 204, l. 4, *ante*.

SIR EDMUND ANDROS'S SECOND COMMISSION[1]

AS

VICE-ADMIRAL OF NEW ENGLAND

30 April, 1688

James King.

James the Second by the Grace of God of England, Scotland, France, and Ireland King, Defender of the Faith, &c.

Inasmuch as the office of Lord High Admiral, formerly to us by the Most Serene King Charles the Second, our most dear brother, by his letters patent under the great seal of England granted, still remains in our royal person from divers causes us in that behalf specially moving, — to our beloved **Edmund Andros**, Knight, *Greeting*:

To take cognizance of and proceed in whatsoever causes civil and maritime, and in complaints, contracts, offences or suspected offences, crimes, pleas, debts, exchanges, accounts, charter parties, agreements, suits, trespasses, injuries, extortions, demands, and businesses civil and maritime, commenced or to be commenced, whatsoever, between merchants or between owners and proprietors of ships and all other vessels and merchants, or others whomsoever, with such owners and proprietors of ships and all other vessels whatsoever employed or used within the jurisdiction of our Admiralty of our Colonies of Massachusetts Bay and New Plymouth, of our Provinces of New Hampshire and Maine, of our Country of Narranganset, or of our Province of New York and East and West Cæsarea, and of the whole tract of land, circuit, continent, borders, and limits in America, being in latitude from forty[2] de-

[1] The Latin text of this Commission will be found on pp. 203–205, *ante*.

[2] The Latin text (p. 204, l. 4, *ante*) has *quadrigenis* ("four hundred"), a manifest error for *quadraginta* ("forty"). Cf. Dudley's Commission, p. 200, l. 1, *ante*.

grees of latitude north of the Equator to the River of St. Croix on the east, and thence directly toward the north to the River of Canada, and in longitude throughout the whole latitude aforesaid into and through the continent from the sea and the Atlantic or Western Ocean on the east to the South Sea on the west, together with all the islands, seas, rivers, waters, rights, members, and appurtenances whatsoever belonging to the same (our Province of Pennsylvania and our Country of Delaware alone excepted), to be named and known (as heretofore) by the name and title of the Territory and Dominion of New England in America, or between whatsoever other persons, had, made, begun, or contracted for any thing, matter, cause, or business, or injury whatsoever, done or to be done as well in, upon, or by the sea or public rivers, or fresh waters, ports, streams, or creeks and places overflowed whatsoever within the flowing and ebbing of the sea and to high-water mark, or upon the shores or banks whatsoever adjacent to the same or to any one of them, from whatsoever first bridges toward the sea, throughout our Colony of New England and the parts aforesaid respectively, or elsewhere beyond the sea or in whatsoever parts beyond the sea, together with all and singular their incidents, emergencies, dependencies, annexed and connexed causes and businesses whatsoever, wheresoever or howsoever such causes and complaints, contracts and other premises abovesaid, or any one of them, may happen to arise, be celebrated, contracted, or done, to hear and determine according to the laws civil and maritime and the customs received in the Principal Court of our Admiralty of the Colony of New England and the parts aforesaid and every of them, and moreover, &c.

Given in our palace of Whitehall under our seal of Admiralty, representing an anchor, which we use in this behalf, on the 30th day of April in the Year of our Reign the fourth and the Year of our Lord 1688.

By Command of the Most Serene Lord the King

S. PEPYS

SIR WILLIAM PHIPS'S COMMISSION[1]

AS

VICE-ADMIRAL OF THE PROVINCE OF THE MASSACHUSETTS BAY

29 December, 1691

LETTERS PATENT GRANTED TO WILLIAM PHIPS, KNIGHT, FOR THE OFFICE OF VICE-ADMIRALTY OF THE PROVINCE AND TERRITORY OF MASSACHUSETTS-BAY IN NEW ENGLAND

William and Mary by the Grace of God of England, Scotland, France, and Ireland King and Queen, Defenders of the Faith, &c. To our beloved **William Phips**, Knight, *Greeting*:

1. To take cognizance of and proceed in whatsoever causes civil and maritime and in complaints, contracts, offences or suspected offences, crimes, pleas, debts, exchanges, accounts, charter parties, agreements, suits, trespasses, injuries, extortions, and demands, and businesses civil and maritime whatsoever, commenced or to be commenced between merchants or between owners and proprietors of ships and other vessels and merchants, or others whomsoever with such owners and proprietors of ships and all other vessels whatsoever employed or used within the maritime jurisdiction of our Admiralty of our Province and Territory of Massachusetts Bay in New England, or between any other persons whomsoever, howsoever had, made, begun, or contracted for any thing, matter, cause, or business, or injury whatsoever, done or to be done within our maritime jurisdiction aforesaid, together with all and singular their incidents, emergencies, dependencies, annexed and connexed causes whatsoever, wheresoever or howsoever such causes, complaints, contracts and other premises abovesaid, or any one of them, may happen to arise, be celebrated, contracted, or done, to hear and de-

[1] The Latin text of this Commission will be found on pp. 206–215, *ante*.

termine according to the rights, statutes, ordinances, laws, and customs anciently observed:

2. And moreover in all and singular complaints, contracts, agreements, and causes and businesses civil and maritime, to be performed beyond the sea, or contracted beyond the sea, howsoever arising or happening:

3. And also in other the causes and matters all and singular which in any manner whatsoever touch or in any way concern, or anciently ought to have belonged or ought to belong unto the maritime jurisdiction of our foresaid Admiralty in our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjoining whatsoever:

4. And generally in all and singular other causes, suits, crimes, offences, excesses, injuries, complaints, misdemeanors or suspected misdemeanors, trespasses, regratings, forestallings, and maritime businesses whatsoever, throughout the places aforesaid within the maritime jurisdiction of our Admiralty of our Province and Territory of Massachusetts Bay aforesaid, by sea or water or the banks or shores of the same, howsoever done, committed, perpetrated or arising:

5. And also to inquire by the oath of honest and lawful men of our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjoining whatsoever, wheresoever dwelling, as well within liberties and franchises as without, as well concerning all and singular the things which of right, by the statutes, laws, ordinances, and customs anciently observed, are wont or ought to be inquired after, as concerning wreck of the sea, and concerning all and singular the goods and chattels of whatsoever traitors, pirates, manslayers, and felons, howsoever offending within the maritime jurisdiction of our Admiralty of our Province and Territory of Massachusetts Bay aforesaid, and concerning the goods, debts, and chattels of all and singular their maintainers, accessories, counsellors, abettors or assistants whomsoever:

6. And also concerning the goods, debts, and chattels of whatsoever persons, felons of themselves, and of whatsoever person felon of himself, in whatsoever manner or howsoever coming to their death within our maritime jurisdiction aforesaid, wheresoever such goods, debts, and chattels, or any parcel of the same, by sea, water, or land, in our said Province and Territory of Massachusetts Bay

aforesaid and maritime parts of the same and adjacent to the same whatsoever, as well within liberties and franchises as without, shall be found or to be found, forfeited or to be forfeited, or in being, whatsoever [they may be]:

7. And also concerning whatsoever goods, debts, and chattels of whatsoever other persons felons of themselves, and of whatsoever other person felon of himself, found or to be found [or] [1] happening within our maritime jurisdiction aforesaid:

8. And, moreover, as well concerning the goods, debts, and chattels of whatsoever other traitors, felons, [and] manslayers, wheresoever offending, and concerning the goods, debts, and chattels of their maintainers, accessories, counsellors, abettors, or assistants, as concerning the goods, debts, and chattels of whatsoever fugitives, persons convicted, attainted, condemned, outlawed, or howsoever put or to be put in exigent for treason, felony, manslaughter, or murder, or any other offence or crime whatsoever:

9. And also concerning goods waving, flotsam, jetsam, lagan, shares, treasure found or to be found, deodands, and concerning the goods of [all] others whomsoever had or to be had as derelict, or by chance found or to be found, or howsoever due or to be due, and concerning all other casualties, as well in, upon, or by the sea and shores, creeks, or coasts of the sea, or maritime parts, as in, upon, or by fresh waters, ports, public rivers, streams, or creeks, or places overflowed whatsoever, within the flowing and ebbing of the sea, or to high-water mark, or upon the shores or banks of any one of the same, within our maritime jurisdiction aforesaid, howsoever, whensoever, or in what manner soever arising, happening, or proceeding, whatsoever [they may be], or wheresoever such goods, debts, and chattels or other the premises or any parcel of the same may be found or shall happen to be met with or to be found within our maritime jurisdiction aforesaid:

10. And further concerning anchorages and lastages or sand ballast of ships, and concerning fishes royal (to wit, sturgeons, baleens, whales, porpoises, dolphins, rigs, and grampuses) and generally concerning all other fishes whatsoever having in themselves great or huge bulk or fatness, anciently by right or custom to us in any manner soever appertaining or belonging or in any way customary:

11. And to ask, require, levy, take, collect, receive, and obtain,

[1] The Latin text (p. 208, *ante*) omits *aut*.

and to the use of us and the office of our foresaid High Admiral of England for the time being to keep and preserve the same wreck of the sea and goods, debts, and chattels and all and singular the other premises, together with all and all manner of fines, mulcts, issues, forfeitures, amercements, ransoms, and recognizances whatsoever, forfeited or to be forfeited, and pecuniary punishments for trespasses, crimes, injuries, extortions, contempts, and [all] other misdemeanors whatsoever, or for any thing, matter, or cause whatsoever, howsoever imposed or inflicted, to be imposed or inflicted, in our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjoining whatsoever, in any court of our Admiralty there held or to be held, presented or to be presented, assessed, brought, forfeited, or adjudged, and also together with [all] amercements, issues, fines, perquisites, mulcts, and pecuniary punishments whatsoever, and forfeitures of [all] recognizances whatsoever before you or your lieutenant, deputy, or deputies in our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjacent whatsoever, to be heard and determined, assigned or to be assigned,[1] happening, or imposed or to be imposed or inflicted or in any manner to be assessed, brought, forfeited, or adjudged or in any manner by reason of the premises due or to be due howsoever in that behalf to us or our heirs or successors:

12. And further to take all manner of recognizances, cautions, obligations, and stipulations, as well to our use as at the instance of whatsoever parties, for agreements or debts and other causes whatsoever, and to put them in execution and to cause and command them to be executed:

13. And also to arrest actually and cause and command to be arrested, according to the civil and maritime laws and customs anciently used, ships, persons, things, goods, wares, and merchandises whatsoever, for the premises and every of them and for [all] other causes whatsoever concerning them,[2] wheresoever they shall be met

[1] The words here translated by "to be heard and determined, assigned or to be assigned" (*audiendis et terminandis assignatis seu assignandis*, p. 209, ll. 33–34, *ante*), are an erroneous adaptation by the scrivener of a formula belonging to a provision not contained in Phips's Commission (see pp. 192, 209, *ante*). They may be disregarded. The participles that follow ("happening," etc.) belong to "amercements, issues," etc., in l. 14, above.

[2] I. e., the premises.

with or found throughout our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjoining whatsoever, within liberties or franchises or without, and also for [all] other agreements, causes, or debts whatsoever, howsoever contracted or arising, provided that the goods or persons of the debtors may be found within our jurisdiction aforesaid, and to hear, examine, discuss and finally determine the same, with their emergencies, dependencies, incidents, annexed and connexed causes and businesses whatsoever, together with all other causes civil and maritime, and complaints, contracts, and all and every the other premises whatsoever above respectively expressed, according to the laws and customs aforesaid and by other lawful ways, manners, and means according to the best of your knowledge and ability:

14. And to compel all manner of persons in that behalf, as the case shall require, to appear and to answer, with power of any temporal coercion whatsoever and of other penalty and mulct according to the laws and customs aforesaid, and to do and administer justice, preserving the regular order of law, or[1] to proceed openly and plainly, without judicial technicalities and formalities, looking only into the truth of the fact and thing[1] and to fine, correct, punish, chastise, and reform, and imprison and cause and command to be imprisoned in any jails being within our said Province and Territory of Massachusetts Bay aforesaid, the parties guilty and the contemners and violators of the law or jurisdiction of our Admiralty aforesaid, usurpers, delinquents, and contumacious absenters, masters of ships, mariners, rowers, fishermen, shipwrights, and other workmen and artificers whatsoever exercising any kind of

[1] The words translated thus ("to proceed . . . thing") refer to summary process. The Latin (p. 211, ll. 1–2, *ante*) is "velo levato sine strepitu et figura judicii sola facti et rei veritate inspecta procedendum." *Velo levato* is a formula of the civil law meaning "openly and plainly" (literally, "the curtain being raised"). *Strepitus judicialis* (or *judicii*) and *figura judicii* are practically synonymous phrases for "formalities or technicalities in procedure." An English commission for the trial of pirates (May 29, 1519) authorizes the court to proceed "summariè et de plano sine strepitu et forma seu figura Judicii ac solâ Facti Veritate inspectâ" (Rymer's Fœdera, 2d edition, xiii. 700), these phrases occurring in a treaty of 1518 between England and France which had for its object the execution of summary justice in such cases, with avoidance of vexatious appeals and dilatory motions (Fœdera, xiii. 650). See Ducange, s. vv. *velum*, *strepitus*, *figura*, *planum*; Fœdera, xv. 161, 197; R. G. Marsden, Select Pleas in the Court of Admiralty, vol. i. p. lvi (Selden Society Publications, vi).

maritime affairs, according to the rights, statutes, laws, ordinances, and customs anciently observed, and to deliver and absolutely to discharge and cause and command to be discharged whatsoever persons imprisoned in that behalf are to be delivered:

15. And [to preserve and cause to be preserved][1] the public rivers, ports, streams, and fresh waters and creeks whatsoever within our maritime jurisdiction aforesaid wheresoever they are in being in our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjacent whatsoever, for the preservation as well of our fleet and[2] of the fleets and vessels of our kingdoms and dominions aforesaid, as of whatsoever fishes increasing in the same rivers and the places aforesaid:

16. And also to keep and cause to be executed and kept, in our said Province and Territory of Massachusetts Bay and maritime parts of the same and to the same adjacent whatsoever, the rights, statutes, laws, ordinances, and customs anciently observed, and to do, exercise, expedite, and execute all and singular other things in the premises and every of them as they by right and according to the laws and statutes, ordinances, and customs aforesaid should be done:

17. And moreover to punish, correct, and reform nets too close and other unlawful contrivances or instruments whatsoever for the catching of fishes wheresoever, by sea or public rivers, ports, streams, fresh waters or creeks whatsoever throughout our Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjacent whatsoever, used or exercised by water within our jurisdiction aforesaid wheresoever, and the exercisers and occupiers of the same, according to the rights, statutes, laws, ordinances, and customs aforesaid, and to pronounce, promulgate, and interpose all manner of sentences and decrees and to put them in execution, with cognizance and jurisdiction of whatsoever other causes civil and maritime relate to the sea, or in any manner of ways concern or respect the sea or transit[3] or passage of the sea or naval or maritime voyage or our maritime jurisdiction aforementioned or the places or limits of our Admiralty aforesaid and cog-

[1] The words in brackets are not omitted in the Latin by accident; they are involved in the Latin *conservandum et exequi et conservari faciendum* (p. 211, l. 27, *ante*).

[2] The Latin text (p. 211, l. 21, *ante*) has "as" (*quam*).

[3] Of course *per Transitum* is to be read as one word (*pertransitum*), as in Willoughby's Commission, p. 195, l. 5, *ante*.

nizance aforementioned and [all] other things whatsoever, done or to be done, with power also to proceed in the same according to the rights, statutes, laws, ordinances, and customs aforesaid anciently used, as well of mere office, mixed or promoted,[1] as at the instance of any party, as the case shall require and it shall seem expedient:

18. And also with cognizance and decision concerning wreck of the sea, great or small, and concerning the death, drowning, and view of dead bodies of [all] persons whomsoever, in the sea or public rivers, ports, fresh waters, or creeks whatsoever, within the flowing of the sea and to high-water mark, throughout our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjacent whatsoever, or elsewhere within our jurisdiction aforesaid, howsoever killed or drowned or to be killed or drowned or murdered or to be murdered or in any other way coming to their death there:

19. Together with the cognizance of mayhem in the places aforesaid within our maritime jurisdiction aforesaid and flowing of the sea and water, there happening,[2] with power also of punishing [all] delinquents in that kind whomsoever according to the exigency of the law and according to the customs aforesaid, and to do, exercise, expedite, and execute all and singular the other things which in the premises only, and about them, shall be necessary or in any way soever fitting by and according to the rights and statutes, laws, ordinances, and customs aforesaid:

20. To you, in whose fidelity and care of circumspection[3] we confide very much in this behalf, we do by [these] presents commit and grant our place and authority in and throughout our Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjacent whatsoever, and also throughout all and every the shores of the sea, and public rivers, ports, fresh waters, streams, creeks, and arms as well of the sea as of rivers, and coasts whatsoever of our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjacent whatsoever, within liberties and franchises and without, with power of deputing and surrogating in your place in

[1] "Mere office, i. e., inquisition. Office promoted, i. e., accusation." (Sir Sherston Baker, The Office of the Vice-Admiral of the Coast, p. 83 note.)

[2] *Happening* belongs to *mayhem.*

[3] So the MS.

the premises one or more others as deputy or deputies as often as shall seem to you fitting, and also with power from time to time of naming, appointing, ordaining, assigning, making, and constituting whatsoever other necessary, fit, and convenient officers and ministers (judge, register, and marshal excepted) under you for the said office and execution of the same in our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjacent whatsoever, saving always the right of the High Court of our Admiralty of England and also of the Judge and Register of the same Court, from whom and either of them we should be unwilling in anything to derogate by [these] presents, and saving the right of every one wronged and grieved by any definitive sentence or interlocutory decree which shall be given in the Court of Vice-Admiralty of our Province and Territory of Massachusetts Bay aforesaid, to appeal to the aforesaid High Court of Admiralty of England:

21. And you, the foresaid William Phips, Knight, we ordain, appoint, and depute by these presents (which are to continue during our good pleasure only) [1] our Vice-Admiral, Commissary, and Deputy in the office of Vice-Admiralty in our Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjoining whatsoever, together with all and every the fees, profits, advantages, emoluments, commodities, and appurtenances whatsoever due and belonging to the same office of Vice-Admiral, Commissary, and Deputy in our said Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjacent whatsoever, according to the ordinances and statutes of the High Court of our Admiralty of England aforesaid:

22. Always provided, nevertheless, and under this law and condition, that if you, the foresaid William Phips shall not yearly (to wit, at the end of every year between the Feasts of Saint Michael the Archangel and All Saints) duly certify and cause to be effectually certified to us and our Lieutenant of the High Court of our Admiralty of England and in the said court both official principal and Commissary General and Special, and President and Judge of the same Court,[2] concerning all that which from time to time by

[1] The Latin text (p. 214, l. 13, *ante*) has *duraturum* by error for *duraturas*.

[2] All these titles belong to one and the same person.

virtue of [these] presents you shall do and execute, collect, or receive in the premises or any one of the premises, together with your full and faithful account thereupon to be made under authentic form and to be sealed with the seal of our office, remaining in your custody, — from thence and after such default in that kind, our letters patent of the office of Vice-Admiral aforesaid, to you (as is aforesaid) granted, shall be null and void and of no force or effect:

23. Commanding all and singular our governors, justices, mayors, sheriffs, captains, marshals, bailiffs, and keepers of [all] our jails and prisons whatsoever, and constables and all other our officers and faithful subjects and lieges whatsoever, and every of them, as well within liberties and franchises as without, that, about the execution of the premises and of every of them, they be assiduous, favoring, assisting, submissive, and obedient in all things, in such a manner as is fitting, to you and to your deputy whomsoever and to other officers (by you appointed or to be appointed) of our said Vice-Admiralty in our Province and Territory of Massachusetts Bay aforesaid and maritime parts of the same and to the same adjoining whatsoever, under pain of the law and the peril falling thereon.

Given at London in the High Court of our Admiralty of England under the great seal of the same on the twenty-ninth day of the month of December in the Year of our Lord 1691 and of our Reign the third.

BISHOP GIBSON'S FIRST COMMISSION[1]

9 February, 1726–7

The King, etc., to the Reverend Father in Christ, Edmund, by divine permission Bishop of London, *Greeting*:

1. Inasmuch as our colonies, plantations, and other dominions in America have not yet been divided or formed into dioceses, or annexed to any diocese within our kingdom of Great Britain (by reason of which, jurisdiction in ecclesiastical causes arising in them or any one of them belongs to us alone, as supreme head of the Church on earth), and inasmuch as it has seemed necessary to us that in turn spiritual and ecclesiastical jurisdiction in those regions in the cases undermentioned in these presents be instituted and exercised by our royal authority according to the laws and canons of the English Church [that are] lawfully received and sanctioned in England, in order that the incorrupt worship of God and the pure profession of the Christian religion may be the better promoted:

2. Know ye, now, that we, trusting very much in your pure religion and doctrine and uprightness of character and in your provident care and zeal in conducting affairs in this behalf, of our special grace and certain knowledge and mere motion have given and granted, and by [these] presents do give and grant, to you the foresaid Bishop of London, full power and authority to exercise, by yourself or by your sufficient commissary or your sufficient commissaries by you to be substituted and named, spiritual and ecclesiastical jurisdiction in our respective colonies, plantations, and other dominions in America, according to the laws and canons of the English Church [that are] lawfully received and sanctioned in England, in the special causes and matters expressed and specified below in these presents; and for a declaration of our royal will as to the special causes and matters in which we wish the foresaid jurisdiction to be exercised by virtue of this our commission, we

[1] The Latin text of this Commission will be found on pp. 341–347, *ante*.

have further given and granted, and by [these] presents do give and grant, to you, the foresaid Bishop of London, full power and authority, by yourself or by your sufficient commissary or your sufficient commissaries by you to be substituted and named, to visit all churches in our colonies, plantations, and other dominions aforesaid in America in which divine service according to the rites and liturgy of the English Church shall be celebrated, and all rectors, curates, ministers, and incumbents (or by whatsoever other name [they may be] called) of the churches aforesaid, and all priests and deacons instituted in holy orders of the English Church, with all and all manner of ecclesiastical jurisdiction, power, and coercion requisite in the premises, and at days and hours and fit places (whatsoever, how often, and whensoever to you or to the commissary or commissaries aforesaid shall seem more suitable and convenient) to summon the foresaid rectors, curates, ministers, incumbents, priests or deacons instituted in holy orders of the English Church, or any one or more of them, before you or the commissary or commissaries aforesaid, and by witnesses to be sworn in due form of law by you or by the commissary or commissaries aforesaid, and in other lawful ways and manners in which this may of right be better and more effectually done, to inquire concerning the morals of the same, and concerning the morals of the parish clerks and concerning the skill, care, and diligence of the same in performing all duties pertaining to the place of a parish clerk according to the laws and canons of the English Church, and also to administer whatsoever lawful oaths [are] customary in ecclesiastical courts, and to correct and punish the foresaid rectors, curates, ministers, incumbents, priests and deacons instituted in holy orders of the English Church, and parish clerks, according to their deserts, whether by removal, deprivation, suspension, excommunication, or whatsoever other kind of due ecclesiastical censures or corrections, according to the canons and ecclesiastical laws aforesaid:

3. And further we have given and granted, and by [these] presents do give and grant, to you, the foresaid Bishop of London, full power and authority to inquire, by yourself or your sufficient commissary or your sufficient commissaries, concerning the condition and repair of parish churches and of houses belonging or pertaining to any rector, minister, incumbent, or by whatsoever other name [he may be] called, within our colonies, plantations, and other do-

minions aforesaid in America, and concerning the provision of all those things whatsoever [that are] requisite and necessary for the decent and regular celebration of divine service and the administration of the sacraments in the foresaid churches according to the requirement of the law, and to compel and coerce all and singular persons who by the laws shall thereunto respectively be held and obliged, to repair and maintain the same churches and houses, and respectively, and to provide and supply other things and materials abovementioned, according to the form and process of ecclesiastical law, with all and all manner of lawful jurisdiction, power, and coercion requisite in the premises, and also to correct and punish such persons abovementioned as in the premises shall be found delinquent or contumacious, according to their deserts, by excommunication or any other kind of due ecclesiastical censures or corrections according to the canons and ecclesiastical laws aforesaid, and generally to do, exercise, and execute all and singular the things which lawfully belong and pertain to the execution of ecclesiastical jurisdiction in all and singular the premises or shall be necessary about them :

4. And further, of our more abundant grace, we have given and granted, and do hereby give and grant, to you, the foresaid Bishop of London, full power and authority from time to time to name and substitute, under your hand and your episcopal seal, sufficient commissaries for exercising and executing effectually all and singular the premises in the several and respective colonies, plantations, and dominions aforesaid in America according to the tenor and true intent of this our commission, and to remove and change such commissaries from time to time as it shall seem to you expedient:

5. To have and to enjoy all and singular the powers and authorities aforesaid, to you, the foresaid Bishop of London, as long as it shall be our pleasure.

6. We wish, nevertheless, and we do hereby declare and ordain, that it be freely allowed, and it shall be allowed, to any person or any persons whomsoever against whom any judgment, decree, or sentence shall be given or pronounced by virtue of this our commission, to appeal from such judgment, decree, or sentence to our well-beloved and right trusty and our counsellors, the Right Reverend Father in Christ, William Archbishop of Canterbury and the Archbishop of Canterbury for the time being; Peter Lord King, Baron of Ockham, our Chancellor of Great Britain, and our Chan-

cellor of Great Britain or the Keeper of our Great Seal of Great Britain for the time being; the Right Reverend Father in Christ, Lancelot Archbishop of York, and the Archbishop of York for the time being; our High Treasurer of Great Britain for the time being; William Duke of Devonshire, President of our Privy Council, and the President of our Privy Council for the time being; Thomas Lord Trevor, Keeper of our Privy Seal, and the Keeper of our Privy Seal for the time being; Lionel Cranfield, Duke of Dorset, Marshal of our Household, and the Marshal of our Household for the time being; Charles Duke of Grafton, Chamberlain of our Household, and the Chamberlain of our Household for the time being; Thomas Duke of Newcastle, one of our Principal Secretaries of State; Thomas Earl of Westmoreland; James Earl of Berkeley, Principal Commissioner of our Admiralty, and our High Admiral and the Principal Commissioner of our Admiralty for the time being; Charles Viscount Townshend, the other of our Principal Secretaries of State, and our Principal Secretaries of State for the time being; Spencer Compton, Knight of the Bath, Speaker of our House of Commons, and the Speaker of our House of Commons for the time being; Robert Walpole, Knight of the most noble Order of the Garter, Chancellor of our Exchequer and Principal Commissioner of our Treasury, and the Chancellor of our Exchequer and Principal Commissioner of our Treasury for the time being; Robert Raymond, Knight, our Chief Justice appointed for the pleas to be held in our presence,[1] and our Chief Justice appointed for the pleas to be held in our presence for the time being; Joseph Jekyll, Knight, Master of the Rolls of our Chancery, and the Master of the Rolls of our Chancery for the time being; and Robert Eyre, Knight, our Chief Justice of the Common Bench, and the Chief Justice of the Common Bench for the time being — to whom, namely William Archbishop of Canterbury, and the Archbishop of Canterbury for the time being; Peter Lord King and our Chancellor of Great Britain or the Keeper of our Great Seal of Great Britain for the time being; Lancelot Archbishop of York, and the Archbishop of York for the time being; our High Treasurer of Great Britain for the time being; William Duke of Devonshire, and the President of our Privy Council for the time being; Thomas Lord Trevor, and the Keeper of our Privy Seal for the time being;

[1] That is, Chief Justice of the King's Bench.

Lionel Cranfield Duke of Dorset, and the Marshal of our Household for the time being; Charles Duke of Grafton, and the Chamberlain of our Household for the time being; Thomas Duke of Newcastle; Thomas Earl of Westmoreland; James Earl of Berkeley, and our High Admiral and the Principal Commissioner of our Admiralty for the time being; Charles Viscount Townshend, and our Principal Secretaries of State for the time being; Spencer Compton, and the Speaker of our House of Commons for the time being; Robert Walpole, and the Chancellor of our Exchequer and Principal Commissioner of our Treasury for the time being; Robert Raymond, and our Chief Justice appointed for the Pleas to be held in our presence for the time being; Joseph Jekyll, and the Master of the Rolls of our Chancery for the time being; and Robert Eyre, and our Chief Justice of the Common Bench for the time being — being of our Privy Council — or to any three or more of the same, being of our Privy Council, we hereby give and grant full power and authority from time to time to hear and finally to determine all and singular such appeals and to affirm, change or revoke such judgments, decrees, or sentences, and to give and pronounce judgments and sentences finally thereupon, in as ample manner and form as the Commissioners under our Great Seal of Great Britain constituted and appointed by virtue of the Statute made in the twenty-fifth year of the reign of the Lord Henry the Eighth, late King of England, entitled "An Act for the Submission of the Clergy and Restraint of Appeals," can or ought to proceed in appeals subject to their determination by the statute aforesaid, anything herein contained to the contrary in anything notwithstanding:

7. Commanding, furthermore, and hereby for ourself, our heirs and successors by firm injunction instructing as well all and singular our governors general, judges, and justices, as all and singular rectors, incumbents, ministers, officers, and our subjects whomsoever within the colonies, plantations, and other our dominions aforesaid in America, that they themselves and every of them be assiduous and assisting to you, the foresaid Bishop of London, and to the Commissary or Commissaries aforesaid, in the due execution of the premises in all things, as is fitting.

In [testimony] of which, etc., Witness the King at Westminster on the ninth day of February.

By Writ of Privy Seal

BISHOP GIBSON'S SECOND COMMISSION[1]

29 April, 1728

The **King**, etc., to the Reverend Father in Christ, **Edmund**, by divine permission Bishop of London, *Greeting*:

1. Inasmuch as our colonies, plantations, and other dominions in America have not yet been divided or formed [into dioceses] or annexed to any diocese within our Kingdom of Great Britain (by reason of which, jurisdiction in ecclesiastical causes arising in them or any one of them belongs to us alone as supreme head of the Church on earth), and inasmuch as it has seemed necessary to us that in turn spiritual and ecclesiastical jurisdiction in those regions in the cases undermentioned in these presents be established and exercised by our royal authority according to the laws and canons of the English Church [that are] lawfully received and sanctioned in England, in order that the incorrupt worship of God and the pure profession of the Christian religion may be the better promoted, and inasmuch as our royal father George the First, lately King of Great Britain, etc., by his letters patent made under his great seal of Great Britain, bearing date at Westminster on the ninth day of February in the thirteenth year of his reign, gave and granted to you, the foresaid Bishop of London full power and authority to exercise, by yourself or by your sufficient commissary or your sufficient commissaries by you to be substituted and named, spiritual and ecclesiastical jurisdiction in his respective colonies, plantations, and other dominions in America during the good pleasure of the said late King, as by the same letters patent (reference being had thereto) more fully is evident and appears:

2. Know ye, now, that we have revoked and terminated, and by [these] presents do revoke and terminate, the said recited letters patent and all and singular the things contained in the same; and

[1] The Latin text of this Commission will be found on pp. 348–353, *ante*.

further know ye that we, trusting very much in your pure religion and doctrine and uprightness of character and in your provident care and zeal in conducting affairs in this behalf, of our special grace and certain knowledge and mere motion have given and granted, and by [these] presents do give and grant, to you, the foresaid Bishop of London, full power and authority to exercise, by yourself or by your sufficient commissary or your sufficient commissaries by you to be substituted and named, spiritual and ecclesiastical jurisdiction in our respective colonies, plantations, and other dominions in America, according to the laws and canons of the English Church [that are] lawfully received and sanctioned in England, in the special causes and matters expressed and specified below in these presents, and for a declaration of our royal will as to the special causes and matters in which we wish the jurisdiction aforesaid to be exercised by virtue of this our commission, we have further given and granted, and by [these] presents do give and grant, to you, the foresaid Bishop of London, full power and authority, by yourself or by your sufficient commissary or your sufficient commissaries by you to be substituted and named, to visit all churches in our foresaid colonies, plantations, and other dominions in America in which divine service according to the rites and liturgy of the English Church shall be celebrated, and all rectors, curates, ministers, and incumbents (or by whatsoever other name [they may be] called) of the churches [aforesaid], and all priests and deacons instituted in holy orders of the English Church, with all and all manner of ecclesiastical jurisdiction, power, and coercion requisite as to the premises, and at days, hours, and fit places (whatsoever, how often, and whensoever to you or your commissary or commissaries aforesaid shall seem more suitable and convenient) to summon the foresaid rectors, curates, ministers, incumbents, priests or deacons instituted in holy orders of the English Church, or any one or more of them, and no other persons whomsoever, before you or the commissary or commissaries aforesaid, and by witnesses to be sworn in due form of law by you or the commissary or commissaries aforesaid, and in other lawful ways and manners in which this may of right be better and more effectually done, to inquire concerning the morals of the same according to the laws and canons of the English Church, and also to administer whatsoever lawful oaths [are] customary in ecclesiastical courts, and to correct and

punish the foresaid rectors, ministers, incumbents, priests and deacons instituted in holy orders of the English Church according to their deserts, whether by removal, suspension, excommunication, or whatsoever other kind of due ecclesiastical censures or corrections according to the canons and ecclesiastical laws aforesaid:

3. And further, of our more abundant grace, we have given and granted, and do hereby give and grant, to you, the foresaid Bishop of London, full power and authority from time to time to name and substitute, under your hand and your episcopal seal, sufficient commissaries for exercising and executing effectually all and singular the premises in the several and respective colonies, plantations, and dominions aforesaid in America according to the tenor and true intent of this our commission, and to remove and change such commissaries from time to time as it shall seem to you expedient:

4. To have and to enjoy all and singular the powers and authorities aforesaid, to you, the foresaid Bishop of London, as long as it shall be our pleasure.

5. We wish, nevertheless, and we do hereby declare and ordain, that it be freely allowed, and it shall be allowed, to any person or any persons whomsoever against whom any judgment, decree, or sentence shall be given or pronounced by virtue of this our commission, to appeal from such judgment, decree, or sentence to our well-beloved and right trusty counsellors the Right Reverend Father in Christ, William Archbishop of Canterbury, and the Archbishop of Canterbury for the time being; Peter Lord King, Baron of Ockham, our Chancellor of Great Britain, and our Chancellor of Great Britain or the Keeper of our Great Seal of Great Britain for the time being; the Right Reverend Father in Christ, Lancelot Archbishop of York, and the Archbishop of York for the time being; our High Treasurer of Great Britain for the time being; William Duke of Devonshire, President of our Privy Council, and the President of our Privy Council for the time being; Thomas Lord Trevor, Keeper of our Privy Seal, and the Keeper of our Privy Seal for the time being; Lionel Cranfield Duke of Dorset, Marshal of our Household [, and the Marshal of our Household] for the time being; Charles Duke of Grafton, Chamberlain of our Household, and the Chamberlain of our Household for the time being; Thomas Duke of Newcastle, one of our Principal Secretaries of State; Thomas Earl of Westmoreland; Charles

Viscount Townshend, the other of our Principal Secretaries of State, and our Principal Secretaries of State for the time being; George Viscount of Torrington, Principal Commissioner of our Admiralty, and our High Admiral and the Principal Commissioner of our Admiralty for the time being; Arthur Onslow, Gentleman, Speaker of our House of Commons, and the Speaker of our House of Commons for the time being; Robert Walpole, Knight of the Most Noble Order of the Garter, Chancellor of our Exchequer and Principal Commissioner of our Treasury, and the Chancellor of our Exchequer and Principal Commissioner of our Treasury for the time being; Robert Raymond, Knight, our Chief Justice appointed for the Pleas to be held in our presence, and our Chief Justice appointed for the Pleas to be held in our presence for the time being; Joseph Jekyll, Knight, Master of the Rolls of our Chancery, and the Master of the Rolls of our Chancery for the time being; and Robert Eyre, Knight, our Chief Justice of the Common Bench, and our Chief Justice of the Common Bench for the time being, — to whom, namely, William Archbishop of Canterbury, and the Archbishop of Canterbury for the time being; Peter Lord King, and our Chancellor of Great Britain or the Keeper of our Great Seal of Great Britain for the time being; Lancelot Archbishop of York, and the Archbishop of York for the time being; our High Treasurer of Great Britain for the time being; William Duke of Devonshire, and the President of our Privy Council for the time being; Thomas Lord Trevor, and the Keeper of our Privy Seal for the time being; Lionel Cranfield, Duke of Dorset, and the Marshal of our Household for the time being; Charles Duke of Grafton, and the Chamberlain of our Household for the time being; Thomas Duke of Newcastle, Thomas Earl of Westmoreland, Charles Viscount Townshend, and our Principal Secretaries of State for the time being; George Viscount Torrington, and our High Admiral and the Principal Commissioner of our Admiralty for the time [being]; Arthur Onslow, and the Speaker of our House of Commons for the time being; Robert Walpole, and the Chanceller of our Exchequer and Principal Commissioner of our Treasury for the time being; Robert Raymond, and our Chief Justice appointed for the pleas to be held in our presence for the time being; Joseph Jekyll, and the Master of the Rolls of our Chancery for the time being; and Robert Eyre, and our Chief Justice of

Common Bench for the time being, — being of our Privy Council, — or to any three or more of the same, being of our Privy Council, we hereby give and grant full power and authority from time to time to hear and finally to determine all and singular such appeals, and to affirm, change, or revoke such judgments, decrees, or sentences, and to give and pronounce judgments and sentences finally thereupon, in as ample manner and form as the Commissioners under our Great Seal of Great Britain constituted and appointed by virtue of the statute made in the twenty-fifth year of the reign of the Lord Henry the Eighth, late King of England, entitled "An Act for the Submission of the Clergy and Restraint of Appeals," can and ought to proceed in appeals subject to their own determination by the statute aforesaid, anything herein contained to the contrary in anything notwithstanding:

6. Commanding, furthermore, and hereby by firm injunction instructing as well all and singular our governors general, judges, and justices, as all and singular rectors, incumbents, ministers, officers, and our subjects whomsoever within the colonies, plantations, and other our dominions aforesaid in America, that they themselves and every of them be assiduous and assistant to you, the foresaid Bishop of London, and to the commissary or commissaries aforesaid, in the due execution of the premises in all things as is fitting.

In [testimony] whereof, etc. Witness the King at Westminster on the twenty-ninth day of April.

By Writ of Privy Seal

JOSEPH DUDLEY'S FIRST COMMISSION

AS

GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY

13 February, 1701–2

William the third by the grace of God King of England Scotland France and Ireland Defender of the Faith &c. To Our Trusty and welbeloved Joseph Dudley Esqr *Greeting*

Whereas we have by our Royall Charter under Our Great Seale of England, bearing date the seaventh Day of October in the third yeare of Our Reign United Erected and Incorporated the Colony of the Massachusets Bay the Colony of New Plymouth the Province of Maine in New England the Territorie of Accadia or Nova Scotia and the lands lying between the said Territorie of Nova Scotia and the Province of Maine aforesaid into one reall Province by the Name of Our Province of the Massachusets Bay in New England and have thereby granted to Our Loveing Subjects the Inhabitants of our said Province or Territory of the Massachusets Bay in New England and their Successors That there shall be a Governor a Lieutenant Governor and a Secretary of Our said Province and Territory to be from time to time appointed and Commissionated by us our Heirs and Successors with severall Priviledges Franchises and Immunities thereby Granted to Our said Loving Subjects We therefore reposeing especial Trust and confidence in your prudence Courage and Loyalty out of Our especiall Grace certaine knowledge and meer Motion have thought fitt to constitute and appoint and by these presents doe constitute and appoint you the said **Joseph Dudley** to be our Captaine General and Governor in Cheife in and over our said Province of the Massachusets Bay in New England And for your better Guidance and Directions Wee doe hereby

require and Command you to doe and execute all things in due manner that shall belong unto the Trust Wee have reposed in you according to the severall Powers and Authorities menc̄oned in Our said Charter and in these Presents and such further Powers and Instruccons and Authorities as you shall receive or which shall at any time hereafter be granted or appointed you under Our Signe Manuall and Signett Or by Order of Our Privy Councill in Pursuance of Our said Charter and according to such reasonable Laws and Statutes as are now in force or which hereafter shall be made and agreed upon in such manner and forme as by our said Charter is directed And we do hereby give and Grant unto you full power & authority where you shall see cause and shall Judge any offender or offenders in Capital or Criminal matters or for any Fines or Forfeitures due unto Us fitt objects of our mercy to pardon all such offenders and to remit such Fines and Forfeitures (Treason and wilfull murder only excepted) In which cases you shall likewise have Power upon Extraordinary occasions to grant Reprieves to the offenders therein to the end and untill our Pleasure shall be further knowne And we do hereby give & grant unto you the said Joseph Dudley by your selfe your Captaines and Com̄anders by you to be Authorized full Power and Authority to Levy Arme Muster Com̄and or Employ all Persons whatsoever resideing within Our said Province & Territory of the Massachusets Bay in New England and as occasion shall require them to transferr from one place to another for the resisting & withstanding of all Enemies Pirates and Rebells both at Land and Sea And such forces with their own consent or with the consent of Our Councill and Assembly to Transport to any of Our Plantacon̄s in America as occasion shall require for the Defence of the same against the Invasion or Attempts of any of Our Enemies And such Enemies Pirates and Rebells if occasion shall require to pursue and prosecute in or out of the Limitts of our said Province or any part thereof And if it shall so please God them to vanquish apprehend and take and being taken either according to the Law of Arms to put to death or to keep and preserve alive at your discretion Wee do further give and grant unto you full power and authority to Erect Raise and Build within our Province and Territory aforesaid such and so many Forts Platformes Castles and Fortificacon̄s as you shall judge necessary And the same or any of them to Fortifie and furnish with

Ordnance Amunicon and all sorts of Armes fitt and necessary for the security & Defence of Our said Province and from time to time to comit the Government of the same to such person or persons as to you shall seem meet and the said Forts and Fortifications againe to Demolish or Dismantle as may be most convenient And to do and Execute all and every other thing which to a Captaine Generall doth or ought of right to belong as fully and amply as any other our Captaine Generall doth or hath usually done according to the Powers hereby granted or to be granted unto you And Wee do hereby give & grant unto you the said Joseph Dudley full Power and Authority to constitute and appoint Captaines Masters and other Commanders of Ships and to grant unto such Captaines Masters and other Comanders of ships Comissions to Execute the Law Martial dureing the time of actuall Warr Invasion or Insurreccon and to use such Proceedings Authorities Punishments Correccons and Execucons upon any offender or offenders which shall be mutinous seditious disorderly or any way unruly either at sea or dureing the time of their abode or residence in any of the Ports Harbours or Bays of Our said Province & Territory as the Cause shall be found to require according to Martial Law during the time of Warr as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your Authority to hold Plea or have Jurisdiccon of any offence cause matter or thing comitted or done upon the High Sea or within any the Havens Rivers or Creeks of Our said Province or Territories under your Government by any Captaine Comander Lieutenant Master or other Officer seaman Soldier or Person whatsoever who shall be in Actuall Service & Pay in or on Board any of our ships of war or other vessells acting by imediate Comission or Warrant from Our Comissioners for executeing the Office of Our High Admirall of England under the Seale of Our Admiralty or from Our High Admirall of England for the time being But that such Captaine Commander Lieutenant Master Officer Seaman Soldier or other Person so offending shall be left to be proceeded against and tryed as the merit of their offences shall require either by Comission under Our Great Seale of England as the Statute of the eight & twentieth of Henry the Eighth directs or by Comission from our said Comissioners for executeing the Office of Our High Admirall of England or from our High Admirall of England for the time

being according to the Act of Parliament passed in the thirteenth yeare of the Reigne of Our Dearest Uncle King Charles the Second of Blessed Memory Entituled (An Act for the Establishing Articles & Orders for the regulateing and better Government of his Majesties Navy Ships of warr and Forces by Sea) and not otherwise saveing onely that it may and shall be lawfull for you upon any such Captaine or Commanders refuseing or neglecting to execute or upon his negligent or undue Execucon of any of the written Orders he shall receive from you for our Service and the service of our said Province & Territory to suspend him the said Captaine or Commander from the Exercise of his said Office of Commander and comitt him in safe Custody either on Board his owne Ship or elsewhere at your Discretion in order to his being brought to answer for the same by Comission either under Our Great Seale of England or from our said Comissioners for executeing the Office of High Admirall of England or from Our said High Admirall of England for the time being as is before expressed In which case Our Will & Pleasure is That the Captaine or Commander so by you suspended shall dureing such his Suspencon and Committment be succeeded in his said Office by such Comission or Warrant Officer of Our said ship appointed by Our Comissioners for executeing the Office of Our High Admirall of England or by Our said High Admirall of England for the time being as by the known Practice and discipline of our Navy does and ought next to succeed him as in case of death sicknesse or other ordinary disability happening to the Commanders of any of our Ships of Warr and not otherwise You standing also accountable to Us for the Truth and Importance of the Crimes & misdemeanours for which you shall so proceed to the Suspending of such our Captaine or Commander Provided also that all disorders and misdeanous[1] comitted on shore by any Captaine Commander Lieutenant Master or other Officer Seaman Soldier or person whatsoever belonging to any Our Ships of warr or other vessells acting by Imediate Comission or Warrant from our Comissioners for Executeing the office of Our High Admirall of England under the Seale of Our Admiralty or from Our High Admirall of England for the time being may be Tryed & punished according to the Laws of the Place where any such Disorders Offences & Misdemeanors shall be so comitted on Shore Notwith-

[1] *Sic.*

standing such offender be in our actual Service and in Our Pay on Board any such Our Shipps of Warr or other vessells acting by imediate Comission or Warrant from our Commissioners for Executing the Office of Our High Admirall or from our High Admirall as aforesaid so as he shall not receive any Protection for the avoyding of Justice for such Offences Comitted on Shore from any pretence of his being imployed in Our service at sea. And further Our Will & Pleasure is That you shall not at any time hereafter by coulour of any Power or authority hereby Granted or menconed to be granted take upon you to give grant or Dispose of any Office or place within our said Province and Territories which now is or shall be granted under the Great Seale of England any further than that you may upon the vacancy of any such office or Suspencon of any officer by you put in any person to officiate in the Interval untill the said Place be disposed of by Us Our Heirs or Successors under the Great Seale of England or that our Direccons be otherwise given therein And we do hereby require and Command all Officers and Ministers Civill and Military and all other the Inhabitants of Our said Province and Territory to be obedient aiding and assisting unto you the said Joseph Dudley in the Execucon of this Our Comission and of the Powers and Authorities therein contained and upon your Death or Absence out of our said Province and Territories to our Lieutenant Governor of our said Province and upon such your Death or Absence and the Death or Absence of our said Lieutenant Govern^r to our Councill of our said Province and Territory for the time being to whome Wee do by these Presents give and Grant all and singular the Powers & Authorities hereby Granted unto you to be by him or them respectively exercised and enjoyed untill the returne of you our Governor or of our Lieutenant Governor or the Arrival or Constitucion of such other Governour as shall be thereupon Comissionated and appointed by Us And Our Will and Pleasure is that you the said Joseph Dudley shall and may hold execute and enjoy the Office and place of Our Captaine General and Governour in Cheif in and over our said Province and Territories of the Massachusets Bay in New England with all and singular the Powers and Authorities hereby granted unto you for and dureing our Will and Pleasure. And whereas there are diverse Colonies adioyning to our Province of the Massachusets Bay for the Defence and Security Whereof it is

requisite that due care be taken in the time of Warr Wee have therefore thought it further necessarye for Our Service and for the better protection and Security of our subjects Inhabiting those parts to Constitute and appoint And Wee do by these Presents Constitute and Appoint you the said Joseph Dudley to be Our Captaine Generall and Comander in Cheif of the Militia and of all the Forces by Sea and Land within our Colonies of Rhode Island and Providence Plantacon̄ and the Narraganset Country or King's Province and of all our Forts and Places of Strength within the same. And for the better Ordering Governing and Ruleing our said Militia and all our Forces Forts and Places of Strength within our said Colonies of Rhode Island and Providence Plantacon and the Narraganset Countrey or King's Province Wee doe hereby give and Grant unto you the said Joseph Dudley and in your absence to our Lieutenant Governor or Commander in Cheif of Our Province of Massachusets Bay, all and every the like Powers as in these presents are before Granted and Recited for the Ruling Governing and Ordering Our Militia and all our Forces Forts and Places of Strength within Our Province of the Massachusets Bay to be exercised by you the said Joseph Dudley and in your absence from our Territory and Dominion of New England by our said Lieutenant Governour or Commander in Cheif of our said Province of the Massachusets Bay for the time being within our said Colonies of Rhode Island and Providence Plantation and the Narraganset Countrey or King's Province for and dureing our Pleasure. In Witness &c. Witness our selfe at Westminster the thirteenth day of February

—— *Public Record Office, Patent Roll, 14 William III, No. 2.*

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